

# UB Law Forum

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## UB Law Forum Volume 4 Number 1 Winter 1989

University at Buffalo School of Law

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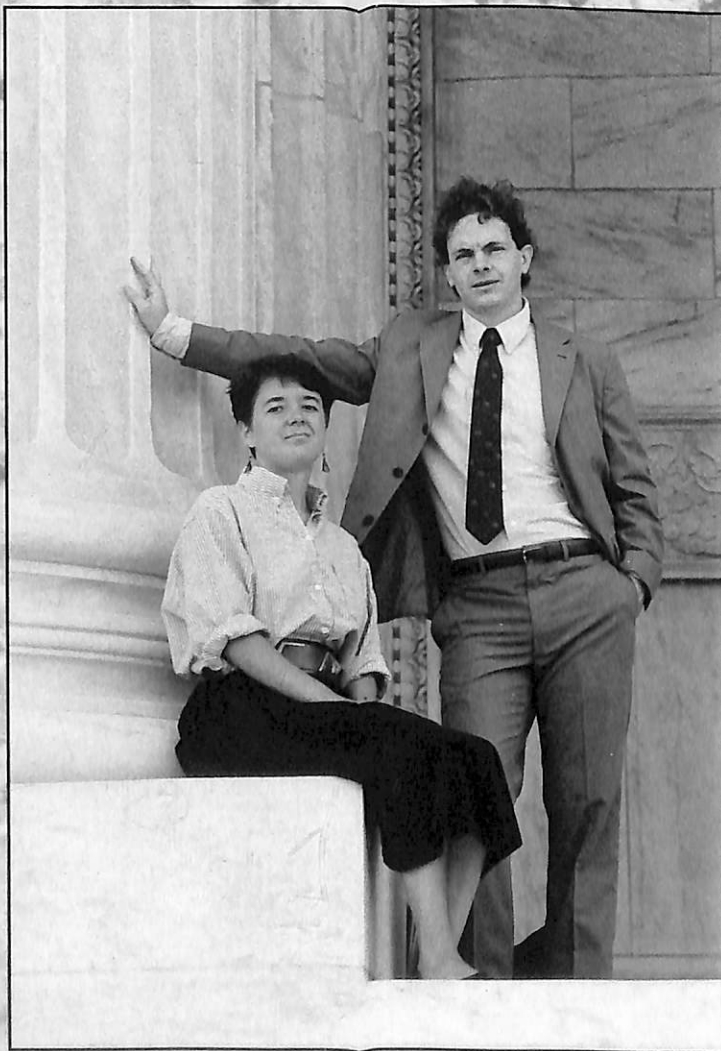
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# UB Law Forum

The Magazine of the State University of New York at Buffalo School of Law

Vol. 4, No. 1

Winter 1989



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P U B L I C

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I N T E R E S T

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I N T E R N S

*The UB Law Forum is mailed free to  
alumni and friends of the University at  
Buffalo Law School, John Lord O'Brian  
Hall, Amherst Campus, Buffalo, N.Y.  
14260.*

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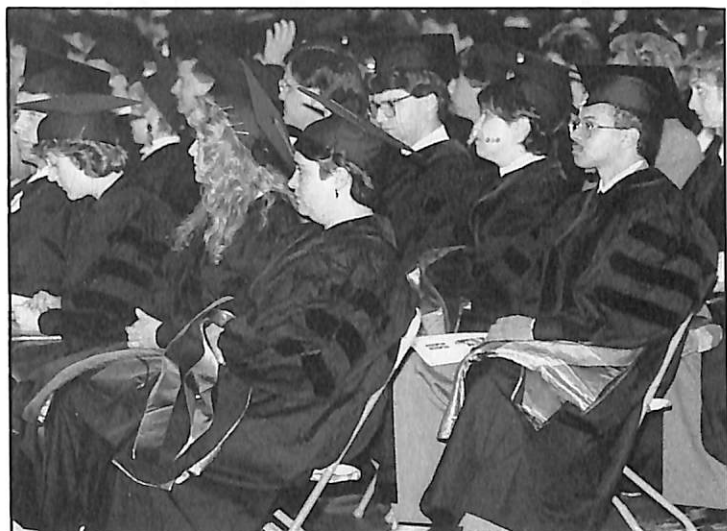
*James P. McCoy, George Morgan,*

*Daryl-Ann Saunders, Willard Voltz*

*Cover, Student interns Karen Comstock and*

*Peter M. Carter in Washington, D.C. Photo*

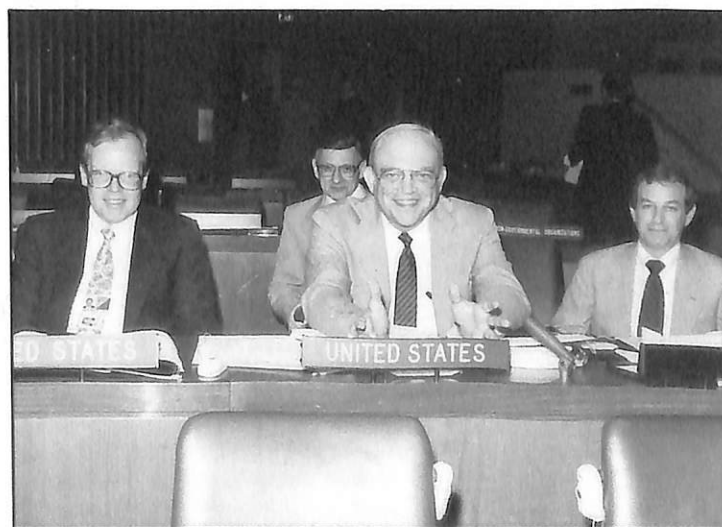
*by Dan Fitzpatrick.*



*Commencement 1988, page 6*



*President-elect David E. Parker '77, page 27*



*Professor John A. Spanogle, page 45*

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*"Lawyers can make a  
difference in this society  
and we want our students to  
be among those that do."*

— Dean Filvaroff

## Interns Work in the Public Interest

While many of their friends were toiling away in routine legal jobs last summer, six third-year UB Law School students had dream jobs in some of the country's most prestigious legal and public interest organizations. Peter M. Carter, for example, did legal research and writing for Lawrence E. Walsh in the Office of the Independent Counsel in Washington, D.C.

The chance to participate in the continuing investigation of the Iran-contra matter "has been a great experience," Carter said during a telephone interview from his office. "Just being here among all these lawyers . . . well, it's like being on an all-star team of attorneys."

A few blocks away, Karen Comstock worked for the Office of Legal Counsel, United States Senate. They represent the institutional interests of the Senate against outside challenge, primarily by defending the Senate in high profile, constitutionally critical litigation.

One of their recent endeavors was defending the independent counsel against challenge in the United States Supreme Court. "I was an intern here when that decision came down. It was really exciting," Comstock reported from her Washington office.

Along with four other bright, committed law students, they were able to take advantage of such extraordinary opportunities thanks to funding provided by the Law School's first Public Service Fellows Program.

According to Dean David B. Filvaroff, all of the fellows for this new honors program in public interest law were selected on a competitive basis, taking into account their academic qualifications and public service commitment.

"The jobs represent a significant finan-

cial commitment on the part of the Law School," said the dean. "Our goals are threefold."

"First, as a state law school, I believe UB has a special obligation to encourage its graduates to pursue public service careers — to give a little something back.

"Second and equally important, UB Law School has had a long history of public service commitment and our desire is to sustain and expand that distinguished tradition.

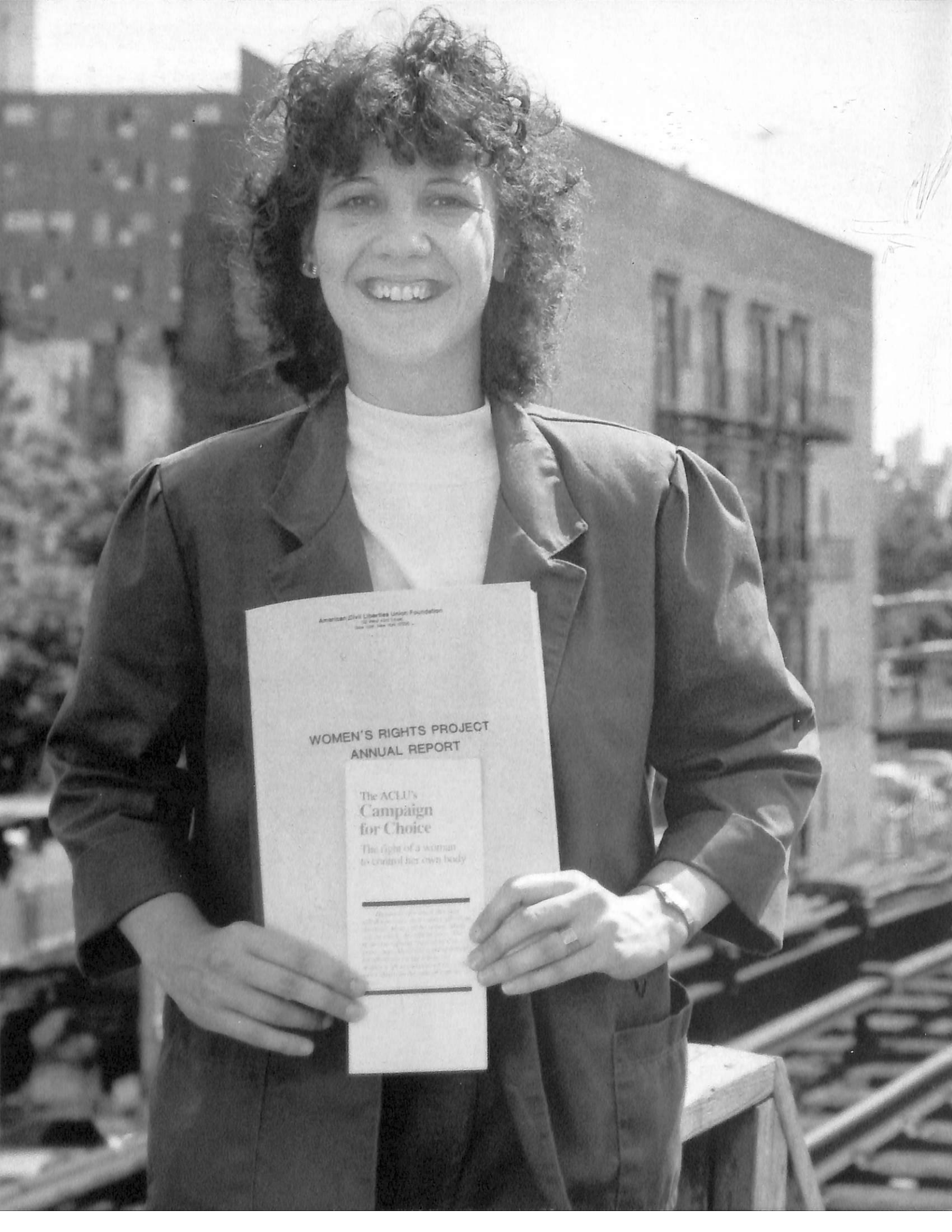
"Third, by creating a high profile honors program in public interest law, we want to send a message to our students in the community that having a law degree is a special type of public trust. Lawyers can make a difference in this society and we want our students to be among those that do."

In addition to Carter and Comstock, the fellows and their positions were:

- Lorraine C. Brown, who worked on the American Civil Liberties Union Women's Rights Project in New York City. This is one of the leading litigation-oriented women's rights groups in the country, actively engaged in test case litigation in courts throughout the country and a frequent litigant in the Supreme Court of the United States.
- Jeannine S. Coggeshall was employed in the Governor's Office of Employment Relations in Albany. That office is responsible on policy and individual collective bargaining levels for insuring the safe and equitable management of state government.
- Kenneth J. Yood went to the New York State Office of Mental Retardation and Developmental Disabilities in Albany. This is an agency of exceptionally broad scope with a duty to oversee the care and treatment of some of our most disadvan-



*Karen Comstock and Peter M. Carter at the Supreme Court*



American Civil Liberties Union Foundation  
20 West 43rd Street  
New York, New York 10018

# WOMEN'S RIGHTS PROJECT ANNUAL REPORT

## The ACLU's Campaign for Choice

The right of a woman  
to control her own body

Throughout the year, the ACLU has been working to protect the right of women to control their own bodies. We have fought against laws that restrict access to abortion, and we have supported women who are facing discrimination in the workplace. We have also been working to ensure that women have the information they need to make informed decisions about their own bodies.





*Opposite page: Lorraine C. Brown in New York City. This page, Olga Molina, right, and Sandra Bispham in Buffalo.*

tagged citizens by monitoring the performance of those who have been entrusted with their care.

- Sue-Ann Nazario, who went to work at the Mexican-American Legal Defense and Educational Fund in Washington, D.C. This is the premier litigation and advocacy organization for Spanish-speaking Americans, the equivalent of the NAACP. Its concerns include discrimination, voting-rights, education and immigration. The Washington Office is responsible for MALDEF'S national legislative program.

Nor has the school overlooked its responsibility to its own local community. In addition to the six national placements, four summer interns were placed at Neighborhood Legal Services, Inc. of Buffalo. These internships were jointly funded by the Law School and NLS. Those interns were: Daniel Boeck, Thomas Fusco, Olga

Molina and Sandra Bispham.

Peter Carter feels his Washington stint for the special prosecutor has been "extremely worthwhile, interesting and exciting." It piqued his interest in prosecution work and strengthened his overall desire to go into public service.

"This has been an educational experience as well as an historical one. I feel involved in something that's very important in many different ways. I'm really happy about it and I greatly appreciate the involvement of everyone who helped me."

Karen Comstock spent her summer at the Sentate's Office of Legal Counsel doing historical research for a brief that will be submitted to the Supreme Court on behalf of the Federal Sentencing Commission (FSC). The high court has been asked to rule on the constitutionality of the FSC, which is a part of the judicial branch.

"The people are really great, especially

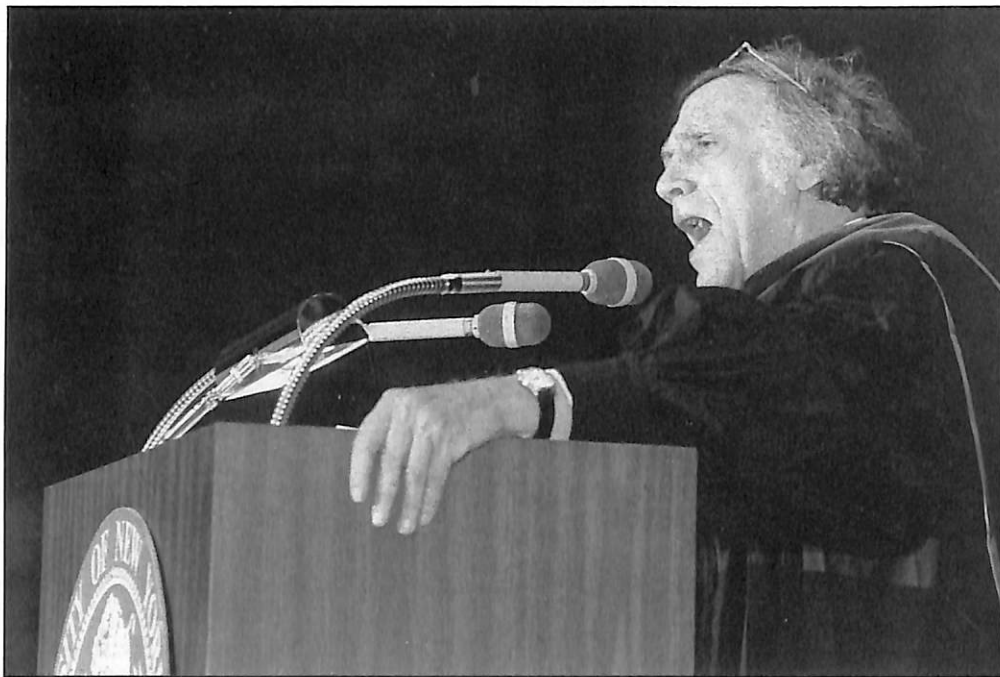
Michael Davidson," said Comstock. Davidson, a former professor at UB Law, is now chief counsel for the Senate. "Just hearing the attorneys talk is interesting."

As for pursuing a public interest law career, "It's what I'm going to do. I strongly believe in it."

Lorraine Brown, who worked for the Women's Rights Project at the American Civil Liberties Union (ACLU) in New York City, spent the bulk of her time researching statutes on neglected children. "We are looking into the constitutionality of testing newborn babies for the presence of drugs in their urine. A positive finding may be used someday to charge the mother with neglect," she explained.

Her work at the ACLU "solidified my convictions about going into public interest law. At this level, you get to see the big picture."





# 1988 Commencement



Professor Kenneth F. Joyce, civil libertarian William M. Kunstler and Associate Dean Lee A. Albert applaud Mary M. Gennaro, far right.

*"President Sample . . .  
On behalf of the Faculty of  
Law and Jurisprudence,  
I have the honor to present  
these candidates.  
They have met all the  
requirements of the  
University and are  
recommended to you by  
the faculty for the degree  
of Juris Doctor."*

—Dean Filvaroff

While a large crowd of parents, spouses, children and friends looked on, 263 Law School graduates heard those short but glorious sentences and marched across the stage of Alumni Arena to receive their coveted diplomas from the dean.

Evidencing both pride and satisfaction — and a few even a tinge of relief — the grads hugged, kissed, pumped arms, posed for snapshots, sipped champagne and contemplated careers bright with promise and possibility. To guide them on their way, speakers at the Law School's 99th commencement exhorted them to cherish life, foster freedom, improve the world and shun materialism.

Chosen by her fellow graduates to give the student address, Mary M. Gennaro implored classmates to regard each day as sacred. "Graduation is special, but so too is each day. Each day we live can or should be for us a celebration of life, a celebration of all the good that exists in us," she observed.

Other program participants included UB President Steven B. Sample, Dean David B. Filvaroff, Erie County Bar Association President Joseph D. Bermingham, Jr., and



# Sparked by Kunstler

Law Alumni Association President Robert W. Keller. Professor Wade J. Newhouse presented the faculty address, and Professor Virginia A. Leary presided over awards and prizes. Professor Elizabeth B. Mensch served as marshal and Professor Kenneth F. Joyce was herald.

The student-selected speaker at this year's graduation was civil libertarian William M. Kunstler, the controversial lawyer-advocate who has spent most of his highly publicized career protecting the rights of political dissenters, protesters and the poor.

Kunstler, 69, urged the new graduates to join him in the struggle for human liberty. "Human freedom is the only truly worthwhile cause," he said.

Kunstler is well known for his representation of the poor and for his identification with civil rights and civil liberties. All his pro bono clients have one thing in common, he says. They come from groups in society which are oppressed. He describes them as "the poor, the persecuted, the radicals and the militant, the black people, the pacifists and the political pariahs."

Kunstler is also vice president and staff attorney for the Center for Constitutional Rights in New York City.

Critical of what he perceives to be our society's obsession with material values, Kunstler implored the law graduates to choose a higher road.

"It is vital that young lawyers think beyond the yuppie dream of BMW's, Porsches, condominiums, Wall Street portfolios and all the rest of the dross that burdens our lives," Kunstler said.

"The system has too many inroads into all of us to take away the concepts of ambition for both money and power. But I come from a philosophy which I guess Lord Acton personifies when he said, 'Power corrupts and absolute power corrupts absolutely.'"

According to Kunstler, since the beginning of recorded time, people have struggled for freedom. "Even in the Third Reich, that spirit lived to the end . . ."

"We're here for such a brief period of time. Just imagine the passage of 50 years. How many of us will be here? It is vital, I believe, that you leave behind something more than the predictably unappreciative children who will share your wealth, and possibly fight over it.

"You can advance the cause of human liberty," he said emphatically to the graduates. "The choice is yours." ■



*Left to right: John J. Williams, Krista A. Hughes and Denis R. Hurley, Jr.*

## 1988 Graduates Receive Awards and Prizes

**A**t the 1988 commencement exercises, Associate Dean Virginia A. Leary presented the annual awards and prizes to the following members of the graduating class:

Award	Recipient
<i>Max Koren Award</i> . . . . .	Bradley Bobertz
<i>John N. Bennett Achievement Award</i> . . . . .	John Hilbert
<i>Dale S. Margulis Award</i> . . . . .	Krista Hughes
<i>Charles Dautch Award</i> . . . . .	Karl Niedermeier, Barry Stopler
<i>National Association of Women Lawyers Award</i> . . . . .	Holly Baum
<i>Adolf Homburger Law Alumni Association Award</i> . . . . .	Holly Baum
<i>Judge Matthew J. Jasen Appellate Practice Award</i> . . . . .	Brian Martin
<i>David Kochery Award</i> . . . . .	Jane Conrad
<i>Laidlaw Law Alumni Association Award</i> . . . . .	John Manning
<i>Moot Evidence Award</i> . . . . .	Nicholas Brodich
<i>Judge William J. Regan Award</i> . . . . .	Dragic Stevanovic
<i>Birzon Prize in Clinical Legal Studies</i> . . . . .	Karen Spencer
<i>Robert J. Connelly Trial Technique Awards</i> . . . . .	Susan R. Bernis, Maria I. Doti, Shelly J. Dropkin, Thomas J. Freed, Julie Freudenheim, Daniel A. Feurstein, Gerald J. Greenan, Michael E. Kilcoyne, Joseph T. Kremer, Andrew C. LoTempio, William J. Magavern, Brian M. Martin, Anne McGurik, Sujeet K. Mohanty, Sara S. Nichols, Maria S. Ogorek, Mary A. Oliver, Paul S. Piotrowski, Nancy E. Pringle, Susan W. Schoepperle, Thomas P. Theophilos and James M. Tierney
<i>Carlos C. Alden Award</i> . . . . .	Harry Werner
<i>Justice Philip Halpern Award</i> . . . . .	John Hilbert

*Edith and David Goldstein Award* . . . . . Lucy Maiorana

*Niagara Falls Bar Association Award* . . . . . Randy Fahs

*Prentice-Hall Award* . . . . . Helen Drew,  
Barbara Kilbridge and John Manning

*United States Law Week Award* . . . . . Dragic Stevanovic

*Scribes Awards* . . . . . Randolph Sarnacki

*Law Faculty Awards* . . . . . Douglas Hoffer,  
Belina Anderson, David Wood, William Magavern, Mary (Molly) Dwyer, Sara Nichols, Festus Campbell, Taryn Chapman

*Maurice Frey Award* . . . . . Charles Naughton

*Student Legal Ethics Award* . . . . . Belina Anderson

*Minority Bar Association of Western New York Award* . . . . . Carole Livsey

*Order of Barristers* . . . . . Cora Alsante,  
John Christopher, Jane Conrad, Randy Fahs, Julie Freudenheim, Susan Gigacz, Barbara Johnson, and Brian Martin

*State and Local Government Award* . . . . . Andrew Bechard,  
Michael Cuddy, Susan Gass, William J. Hart, James P. McClusky, Paul R. Prentiss, Pamela H. White, Carolyn Deanna Wright and Charles Naughton

## Day-long Symposium Addresses International Law

**I**n recognition of increasing interest in transnational issues and the fact that international law questions are becoming more common in many areas of legal practice, the Law School conducted a day-long program titled: "The Internationalization of the Law and Its Implications for Legal Education and Practice." The symposium was held Saturday, Nov. 5, 1988.

According to Associate Dean Virginia A. Leary, the event brought students who are interested in opportunities in international law together with practitioners and law professors. Students and faculty attended from Ithaca, Cleveland, Syracuse and Toronto, among other cities. ■

## Head of the Class

Congratulations to our best and brightest who graduated May 22, 1988.

### SUMMA CUM LAUDE

Bradley Bobertz

### MAGNA CUM LAUDE

Belina Anderson  
John Hilbert  
Douglas Hoffer  
Barbara Kilbridge  
William Magavern  
John Manning

### CUM LAUDE

Holly Baum  
Cindy Bennes  
Michael Biehler  
Jane Conrad  
Maryanne Courtney  
Robert Cuffney  
Helen Drew  
James Eiss  
Karen Elinski  
Randy Fahs  
Thomas Freed  
Mary Gennaro  
Terrence Gilbridge  
James Kennedy  
Kurt Mieth  
Robert Moore  
Charles Naughton  
Barbara Nectow  
Sara Nichols  
James Quinn  
Sheldon Rothbell  
Randolph Sarnacki  
Susan Schoepperle  
David Snyder  
Barry Stopler  
James Tierney  
David Wood  
Michael Zendan





Marlene Cook

## Marlene Cook Wins SUNY Chancellor's Award

**M**arlene Cook was recently appointed assistant dean for resource management in the Law School. She replaces Charles H. Wallin, who plans to retire at the end of this year after a 17-year career.

Cook received the 1988 SUNY Chancellor's Award for Excellence in Professional Service. The medal and certificate was personally presented to her by University President Steven B. Sample at a formal ceremony in September. She was one of only two UB staff members selected from 54 honorees on 35 SUNY campuses.

It was the second consecutive year that a member of the Law School staff was recognized by the Chancellor's Award. Last year, Nina Cascio, an international law librarian, was presented with the 1987 Chancellor's Award.

"Marlene Cook will bring an impressive array of knowledge, enthusiasm and good judgement to the job," says Dean Filvaroff.

"She has already made a big difference, even in the few months she has been here," he added.

Her philosophy is "a little different from the norm," Cook believes. "Many people think that the numbers alone should dictate the academic program, but I feel the academic program should dictate the finances," she says.

According to some faculty members, she excels in being able to expedite matters through the state system with a minimum of hassle, a talent that is in great demand.

Cook was assistant dean in the Faculty of Natural Sciences and Mathematics from 1985 to the present. In that position, she was responsible for supervising a \$20 million budget. She also designed a computerized accounting system, and supervised the production of a departmental magazine.

From 1979 to 1985, she was assistant dean for academic affairs and financial management in the School of Management. During that time, she coordinated Management's move from Main Street to Jacobs Center. She also taught as an adjunct assistant professor in the Department of Organizations and Human Resources.

Cook holds a Ph.D. from UB in educational administration, an M.S. degree in higher education administration from Buffalo State College and a B.S. in education, also from Buffalo State.

She serves as a senator in the Professional Staff Senate and is a Life Associate on the Board of Trustees of Studio Arena Theater. ■

## Assistant Dean Charles H. Wallin to Retire

**C**harles H. Wallin, assistant dean since 1971, will retire at the end of 1988. Wallin's responsibilities included key budget and administrative functions.

During his 17 years at UB Law School,



Charles H. Wallin

Wallin has watched it develop into one of the country's leading public law schools.

"I feel that over the years we have made this much more of a national law school," he observed. "I feel good that I was a part of that."

In 1973, he was instrumental in the move to the Amherst campus. "The move was one of the reasons I wanted to come to the Law School. You could just feel that things were going to happen," Wallin said.

Wallin supervised the Admissions and Records staff, who maintain all student records and provide the first contact for students on matters relating to their academic programs, course selection and scheduling. For many years, he supervised the admissions procedure. His responsibilities also included management of Law School financial accounts and records and he compiled all class and exam schedules.

A resident of Tonawanda, New York, Wallin graduated from the State University of New York at Buffalo with a B.S. in Business Administration. Future plans include traveling with his wife, Lorraine. ■



# Moot Court Teams Compete Across USA

Demonstrating an impressive degree of professionalism and polish, two UB law students came in first at the Black Law Students Moot Court Competition in February. Taryn Chapman, who has since graduated, and Michael Banks, currently a third-year student, attained UB's first BLS moot court victory at the regional level in seven years.

Sponsored by the University of Connecticut Law School, the competition was held in Hartford. Teams were required to write a brief and argue an appeal raising difficult issues under the Voting Rights Act. Twelve law schools participated, including Albany, Boston College, Western New England and Rutgers.

Siu Chan and Suzanne Garvey won another hard fought moot court contest held in March. Now third-year law students, they were victors in the regional championships in the American Bar Association's National Appellate Advocacy Competition hosted by UB Law School. Chan and Garvey defeated Cornell in the final round.

UB annually sponsors two moot court competitions: The Charles S. Desmond Moot Court, held in the Fall, is for UB students only. The Albert R. Mugel National Tax Moot Court Competition, held in the Spring, has become an increasingly prestigious and popular event and attracted teams from 15 law schools in 1988, including Brooklyn, Southwestern and Baltimore. The University of Dayton prevailed.

"Moot Court team participation is important for the Law School and for our students. It is an excellent learning experience," says Dean David B. Filvaroff, who points out that moot court opportunities are being expanded for UB law students.

For example, the Moot Court Board sent

eight UB teams to compete in seven regional and national moot court competitions, according to Julie Freudenheim '88, national competitions coordinator. "We feel fortunate that we received so much support from the faculty, administration and Alumni Association," said Freudenheim. She cited faculty coaching and an increase in the Board's budget as contributing factors to UB's successes.

Among the out-of-town competitions UB entered was the Samuel J. Polsky Moot Court Championship, a criminal law contest held at Temple University in Philadelphia last February. Brian Martin and Susan Schoepperle, both 1988 graduates, placed second out of 19 law schools.

Martin and Schoepperle also won an award for second best brief in the competition. Among the law schools the UB team vanquished in the semifinals were Florida State, Georgetown, Villanova and Wake Forest.

UB law students also participated in the National Moot Court Competition sponsored by the Bar Association in Boston; the Entertainment / Communications Law Moot Court hosted by Cardozo School of Law in Manhattan; the National Products Liability Moot Court sponsored by the University of Cincinnati in Cincinnati; and the Jessup International Law Moot Court Competition in Boston.

Two lucky teams went to San Diego where Alexei Schact and Sara Horowitz were quarterfinalists in the National Telecommunications Moot Court Competition and Dana Young and Lauren Breen competed in the F. Lee Bailey Moot Court Competition sponsored by National University. Young and Breen reported that "meeting F. Lee Bailey was certainly a memorable experience."





*Brian M. Martin '88, head of the 1987-88 Moot Court Board, argues his case, above. Suzanne Garvey, left and Siu Chan took top honors in regional competition.*

# Albert and Leary Named Associate Deans

*"I decided it was time  
for me to see what law  
school administration  
looked like from the  
other side of the table."*

—Lee A. Albert

**D**ean David B. Filvaroff has named two associate deans at the Law School. They are Lee A. Albert and Virginia A. Leary, both veteran members of the faculty. Leary and Albert are replacing Marjorie Girth and John H. Schlegel, who remain on the faculty as full-time teachers.

Alan S. Carrel continues as associate dean for external affairs and Ellen M. Gibson remains as associate dean for legal information services.

"The Law School now has a very distinguished dean who will have the time — and hopefully the resources — to undertake significant planning and implementation. I look forward to participating in the mission," says Albert, who is an expert in U.S. constitutional law.

Leary, widely recognized as an authority in international law and human rights, says that she "had the good fortune" of working with Filvaroff on an international law project several years ago while he was at the University of Texas.

"I was delighted that we were able to persuade him to come to Buffalo as our dean, and as associate dean I am happy to be working with him again," Leary says.

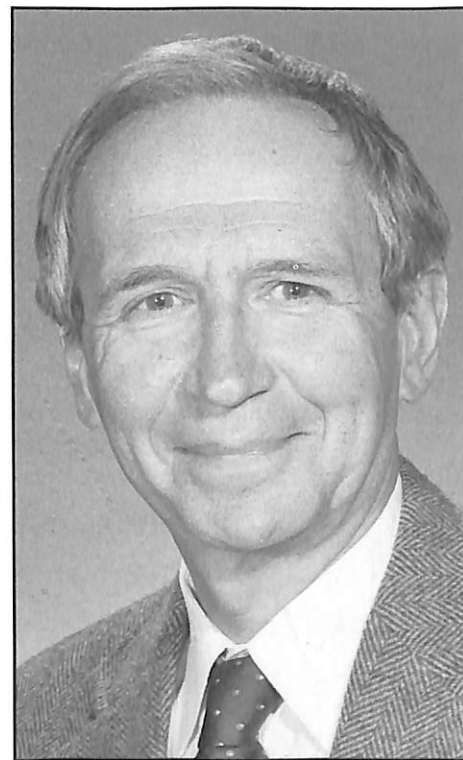
A soft spoken intellectual who came to teach at UB Law School in 1975, Lee Albert, 51, has kept a low profile over the years. He readily admits that during his tenure as a law teacher, "I had some ideas about how the Law School might be improved. So when our new dean asked me to be an associate dean, I decided it was time for me to see what law school administration looked like from the other side of the table."

His responsibilities at the Law School include curriculum planning, academic affairs, financial allocations, computer planning, and a variety of other matters.

According to Albert, time spent as a faculty member has given him a perspective and sensitivity which he finds invaluable as an associate dean. "My years of carping have taught me to have patience with complaints," he says. "I can well understand how administrative confusion, delay or foul-ups look to people who are not in charge of administration."

Raised in New Jersey, Albert graduated summa cum laude from Rutgers University with a B.A. in 1960. He then attended Yale Law School and graduated magna cum laude in 1963. While at Yale, he was editor-in-chief of the Yale Law Journal.

He began his legal career by serving as law clerk to U.S. Supreme Court Justice Byron R. White from 1963 to 1965. In



Lee A. Albert

those days, Supreme Court justices had two clerks, not four as they do today. As a result, Albert developed a close personal relationship with Mr. Justice White, who was then in his early years on the court.

Albert fondly remembers discussing various cases with Justice White after White heard the arguments in court — but before the justices conferred together to state their views and cast their votes.

"Each week, we would argue about how he should decide. He always gave me a full hearing and the opportunity to persuade him, which sometimes worked, and sometimes didn't," Albert recalls. Justice White frequently asked Albert to provide the first and occasionally the second draft of an opinion.

Justice White dissented in several criminal cases, *Miranda v. Arizona* being the most well known, "which I did not — happily — have any responsibility for drafting," says Albert. "We tended to disagree on constitutional criminal procedure cases, but we agreed on civil rights matters with no difficulty at all.

"My work there was always fascinating

and gave me a lifetime interest in constitutional law."

After leaving the U.S. Supreme Court, Albert served as a lecturer in law at the London School of Economics and Political Science until 1967. It was in London that he met his wife, Elisabeth.

On their return to the United States, the Alberts lived in New York City where he became an assistant U.S. attorney. From 1968 to 1970, he directed the Center on Social Welfare Policy and Law at Columbia University, a legal services back-up center. At Columbia, Albert argued welfare law cases, such as *Goldberg v. Kelly*, a landmark Due Process case, in the U.S. Supreme Court and various federal circuit and district courts.

While he found that work "exciting," he was enticed to enter teaching by his alma mater, Yale Law School, where he became an associate professor of law. He stayed there until 1975 when he came to UB.

"I felt I needed more time to reflect on law and society than practice permitted me to do," he says. "I wanted to write, to think and to teach."

This fall, despite his administrative duties, Albert continues to teach a course on law, science and medicine, and in the spring he plans to teach a seminar on constitutional litigation. Teaching, he feels, will be a pleasant respite from the paperwork and bureaucratic negotiation that is necessary to get things done in the Law School. "Being part of a large state system makes change complicated..." he says.

If he had one wish, "it would be for a brand new shiny building that would accommodate the needs of the various groups at the Law School better than O'Brien Hall."

**V**irginia A. Leary, 62, while anxious to get back to her academic work and full-time teaching, nevertheless is enthusiastic about her new role as an associate dean in the Law School. "I'm very interested in the dean's ideas and want to help him with the development of the Law School," she says, citing, as an example,



*Virginia A. Leary*

her key role in planning for the development of the Canadian Studies Program (CSP) in the Law School. (Professor Robert S. Berger heads the CSP for the University). Along with Professor David M. Engel, she is also helping to establish an International Legal Studies Program.

Leary's main responsibilities as an administrator, however, relate to student affairs. Though she misses teaching and research, and regrets the loss of time for involvement in international law and human rights matters, she says "I really like students and enjoy working with them. It's the best part of my job. They have various kinds of problems — sometimes illness, sometimes an overload of work, or concern with family problems — and I'm here for them.

"Students also have a lot of suggestions about ways in which the school can be improved. They really care a great deal about the Law School."

The needs of an increasing number of law students with disabilities also fall under her jurisdiction. A faculty committee, chaired by Professor Engel, is currently exploring

ways in which the school can be more responsive to their special problems.

"Some are visually impaired, others are in wheelchairs. We want to have a program to take into account their individual situations," Leary says. "We're all disabled in a lot of ways. There's no such thing as a normal person...It's an interesting and important thing that's being done."

A courageous and energetic crusader in the struggle for world-wide human rights, and a widely recognized authority on international law, Leary has been on the faculty here since 1976. Last year, she occupied the Ariel Swallows Chair in Human Rights at the University of Saskatchewan in Canada.

She received her law degree from the University of Chicago Law School in 1950 and doctorate in political science in 1980 from the Graduate Institute of International Studies at the University of Geneva in Switzerland.

Leary also earned diplomas in 1971 from the Hague Academy of International Law in the Netherlands and from the International Institute of Human Rights in Strasbourg, France. She received her bachelor's degree from the University of Utah, where she was elected to Phi Beta Kappa.

In 1984, Leary headed a three-member mission that traveled to the Philippines to investigate reports of widespread police and military brutality. The mission was sponsored by the International Commission of Jurists, which is linked to the United Nations.

The mission to the Philippines found "widespread human rights abuses by the army and police, including illegal killings, massacres, burning of villages, arbitrary arrests and torture," she reports.

Last year, Leary was one of five University at Buffalo faculty members who received grants from the Canadian government to pursue Canadian study projects. Leary's grant called for a study of "dispute settlement" as related to Niagara River toxic wastes.

Before joining the UB law faculty, Leary was an official, working on legal matters, for the International Labour Standards Department in Geneva, Switzerland. ■



## Career Development Office Reports Latest Trends

**M**ore and more UB Law graduates continue to choose careers in public interest law: 10 percent, or 27 of 272 employed graduates in the class of 1987 entered public interest practice last year, reports Audrey Koscielniak, director of the Career Development Office. (The category includes public defender, legal services offices and other publicly and privately funded organizations.) This is an increase of 3 percent over the class of 1986, which has 208 employed graduates, and 2 percent over the class 1985, which has 244 employed graduates. According to the National Association for Law Placement, 3 percent of all American law school graduates select public interest practice.

Another trend is the increase in the number of graduates who choose private practice. UB Law grads are earning higher salaries in private practice than ever before — and they're staying in Buffalo.

While a growing number of our law students show an interest in public practice, the percentage of Buffalo students who enter private firms — 60 percent, or 162 graduates in 1987 — compares favorably to the national average, which is 64 percent, according to Koscielniak. That 60 percent is an increase of 6 percent over the previous year and 3 percent over the class of 1985.

Approximately 40 percent (109) of the class of 1987 remained in the Buffalo metropolitan area. In the class of 1986, 32 percent (68) remained in the area, and in the class of 1985, 36 percent (87) stayed.

Koscielniak also reported a new record high for a starting salary — \$82,500 in New York City. The average starting salary for the class of 1987 was \$29,547, up from \$28,294.

While salaries have gone up, "I don't think it's the starting salaries that keep graduates in Buffalo," Koscielniak says. "A lot of the firms that are hiring our recent graduates are not the high paying firms that you read about in the headlines. Most pay

only around \$22,000 to start.

"But many of our graduates like the quality of life in Western New York and want to stay in Buffalo, so they're joining the small — and very small — general practice firms that are so prevalent here."

In the business and industry category, which includes corporations, financial institutions, insurance companies and public accounting firms, there was a decline in interest for the class of 1987. Only 5 percent (13) selected that employment option, down from 11 percent in the class of 1986 and 7 percent in the class of 1985. Nationally, about 9 percent of all law graduates are classified in business and industry.

"But the situation appears to be changing for the class of 1989. In Fall '88, public accounting firms were pleased by the number and quality of Buffalo applicants on their interview schedules," Koscielniak reports. "We have an excellent tax program, and employers find Buffalo graduates attractive candidates. It also helps that Buffalo graduates in accounting firms have done a fine job of encouraging their firms to recruit our students."

There was also a slight decline in government employment. The class of 1987 had 11 percent (31 graduates) go into government service, which includes federal, state and local levels. This was down 2 percent from previous years.

However, the percentage of students pursuing advanced degrees — both non-law and law — increased after a decline in 1986. Four percent of the class of 1987 (12 students) are studying for MBA's and Ph.D's, and 2 percent (5 students) went on for LL.M's. ■

## Applications Surge 16 Percent for Class of 1991

**U**B Law School enjoyed a 16 percent increase in the number of applicants this year, up from 1,435 in 1987 to 1,723 in 1988.

Aundra C. Newell, assistant dean for law school admissions, says this rate reflects the

nationwide surge of 16 percent reported by the Law School Admissions Council (LSAC).

Of the applications received, 540 students were extended offers to study at UB. An unprecedented 304 students paid tuition deposits and 262 ultimately enrolled.

Last year, 663 applicants were extended offers and 258 enrolled. Most entering classes in recent history have fallen between 250 and 270 students.

"Getting into a good school is tougher today, and more people recognize that UB is a quality school," says Newell, commenting on the dramatic increase in the number of applicants.

"When students compare UB to other law schools, they quickly discover that we have a notable history. We are the only law school in this area. We enjoy a national reputation. Last but not least, the tuition is comparatively low."

The larger applicant pool makes UB increasingly more competitive as well as more diverse, she points out. "We are in a position to pick and choose."

Newell reports that the class of 1991 is comprised of 140 males and 118 females. Fifty-six are non-white. Of the minority students, 29 are male, 27 female.

The median Law School Aptitude Test scores of all students is 31. The highest possible score on the test is 48. Their median Grade Point Average is 3.23.

While 238 of the new students hail from New York, UB Law has attracted students this year from 11 other states as well. Foreign students also arrived from Brunei, Canada, France, Ghana, Guyana, India, Jamaica, United Kingdom, and Zaire.

The large number of applications was "unexpected and surprising," Newell says.

According to Law Services Report, the newsletter of the LSAC, during the past four years "legal education had prepared itself for a continued decline in applications, or at best for a period of stability."

So why the rise? Some observers think the stock market crash in October prompted many prospective M.B.A.s to switch course, and it was too late in the game for them to try for medical school.



*Dr. Chester J. Gary, left, and Steven Rubinstein, members of the class of 1991.*

TV programs like *LA Law* and recent movies including *Legal Eagles* and *From the Hip* may have also spurred interest in the legal profession.

By contrast, the number of medical school applicants has been declining, and business school applications have increased only slightly. No comprehensive statistics exist.

In describing the applicants, Newell cites a steadily increasing interest in public interest law, a field for which UB Law School is well known. In a random sampling of essays of applicants, many wrote that they would like to improve the environment, or effect change in the system by working at the community level, or work for legislation that benefits women, the underprivileged and minorities.

Among the members of the class of 1991 are those who have been out of school a good number of years. Once called nontraditional students, they are becoming a significant part of the student body. Some are homemakers who put off graduate school, others are making career changes. For the past three years, there have been

50-year-olds in the entering class. "Age is an asset in law school, not a negative," says Newell. "And students who begin with other areas of expertise do innovative things with their law degree."

Several students with science backgrounds, for example, are interested in getting into patent law and technical areas, such as the newly emerging field of space law. A few applicants are medical doctors interested in the growing field of law and health care. One is a well-established dentist.

Learning disabled and physically handicapped students comprise yet another group. "We're quite proud of our record here and the fact that we do open our doors to them and provide a supportive environment," Newell says.

"Law schools are looking for a greater diversity in their student populations. Everyone is not a 20-year-old Poli-Sci major right out of undergraduate school any more," she says.

A few of the students who will enter UB Law School this fall:

- Steven Rubinstein is a 38-year-old with a

masters of education in counseling. Rubinstein worked as a psychotherapist and as an administrator for various state and federal programs for disadvantaged and handicapped youth. Previously, he was a vice president for research and development of a marketing and advertising firm.

In his personal statement, Rubinstein wrote: "I have reached a point when new challenges and opportunities for growth are needed in order to further my professional goals. Law studies will afford those opportunities, while at the same time providing the means with which I may be a more effective force for positive change within society."

- Valda Ricks was one of three students admitted under a new SUNY scholarship designed to help underrepresented minorities enter the licensed professions. Ricks, a Black, was born in St. John's Antigua, West Indies. A single mother of three, she was in the Honors Program in both the Political Science and Sociology departments of SUNY-Buffalo.

"It is my desire to provide legal representation to minority persons in areas that are vital to our existence. That is, employment, housing, wife and child support . . . There is a lot I can do for my community," she wrote.

- Dr. Chester J. Gary is a Williamsville dentist and over the past ten years has developed a comprehensive general practice. After graduating from UB Law School, he intends to specialize in health law.

"Failure to anticipate the discrepancies between changing dental practices and legal demands has led to a crisis in the malpractice area," Dr. Gary wrote in his statement. "I would use my D.D.S. and J.D. degrees to research, write, and teach dentists the law as it monitors daily practice. I would strive to expand the dental jurisprudence curriculum to include a more comprehensive review of risk management techniques. My goals also include defending dentists through clarifying dental-legal issues, and if possible, attempting to work for positive trends in legislation at the local and state level."

# Housing Clinic Spurs City Development

*By George M. Hezel*

**B**arbara Walker (a fictitious name) and her three young children live in a two bedroom flat over a laundromat on Buffalo's East Side. In winter, they must rely on an old, sputtering oil space heater that only works intermittently. On cold days, the bedroom farthest from the heater registers a chilly 48-degrees. As if that weren't bad enough, condensation drips down the walls rendering the rooms unusable to the family. On the worst winter nights, the Walkers take refuge in their grandparents' house.

Complaints to the Erie County health department, letters to the landlord, even a call from a legal aid lawyer — all fell on deaf ears. Withholding rent got the landlord's attention, but not the kind Mrs. Walker wanted. One month after she began to withhold the rent, she was served with eviction papers for nonpayment. With the help of a legal services lawyer, she responded to the eviction papers, asserting a variety of defenses and counterclaims based on violations of the warranty of habitability.

Her case was shipped from Special Term to Housing Court for trial. After listening for three hours to the grim details the judge asked Mrs. Walker why she wanted to stay rather than move to another flat in better condition.

"I've been in five different flats in two years, and none was worth living in," she responded.

Practically every day, similar scenarios are repeated in Buffalo City Court. It appears that hordes of itinerant apartment hunters on the East Side can't find a decent place to live. So they chaotically swap rental flats in search of a modest but elusive goal — habitable shelter.

"The housing market is definitely con-

stricting at the bottom," says Denis Woods, director of the Housing Assistance Center, a not-for-profit corporation providing housing services to low-income families. Last year, the Center staff handled 5,633 apartment searches and 3,876 landlord-tenant problems for low-income families in Buffalo.

This year, the caseload may rise by as much as 20 percent, according to Woods. "What our statistics mean is that each year more and more families are vying for a smaller share of the market pie — decent, safe and sanitary low-income housing."

The plight of the Walker family is not surprising in view of trends begun years ago. In 1960, the Buffalo Municipal Housing Authority had approximately 7,500 units of federal and state subsidized housing available for low-income families in Buffalo. Today, the Authority stock is down to 4,800 habitable units after the Kensington Heights, Ellicott Mall, and Dante projects were closed. The federal housing production programs have been virtually shut down since 1981.

The private sector of the low-income market has not done well, either. The pool of available units in the private market dwindled dramatically during the 1970s when demolition claimed close to 10,000 units of lower West Side and East Side housing. Private development of replacement low-income units has not yet occurred — and probably will not occur — without the emergence of strong and competent not-for-profit organizations geared to housing development.

Enter UB Law School and a newly formed branch of the clinical legal education program to focus on development needs of Western New York. Beginning in

the fall of 1987, the Law School's Low-Income Housing Resource Development Clinic began operation with two primary purposes: to offer experiences in a clinical setting to students interested in development law; and to offer a modest start at building organizational infrastructure needed to develop low-income housing.

While promoting the development of low-income housing, the clinic also provides students with unique educational opportunities in three ways. First, it gives students an opportunity to engage in group representation, rather than individual representation.

Secondly, the clinic moves beyond a model of lawyering skills centered on adversarial combat to one that fosters community development through counselling, drafting negotiation and mediation. Thirdly, the clinic attempts to integrate a traditional academic curriculum in real estate, tax counselling and corporation law with the clinic program.

"You have to know tax law if you're going to use low-income housing tax credits," says Peter R. Pitegoff, a professor in the clinic.

In the Housing Development clinic, students represent not-for-profit corporations in the development of permanent housing for the homeless, for the disabled, and for low-income families. Students participate in representation in one or more phases of the housing development process:

- Organizational phase — Students draft certificates of incorporation and bylaws, and prepare applications for tax-exempt status.

- Development phase — Students prepare financial packages and applications for grants and loans. They also review





*Students in the Housing Development clinic, Edna Torres, left, and Kenya Mann, in front of Benedict House of Western New York.*

contracts and represent clients before state and local review agencies.

- Management phase — Students prepare leases, grievance procedures and housing opportunity plans.

"In its first year of operation, the Housing Development clinic got off to a good start," says Professor R. Nils Olsen, Jr., director of the Law School's clinical education program. One of their first efforts was

to assist Catholic Charities in forming a not-for-profit development corporation to convert underutilized church properties and buildings into low-income housing. Under supervision, a student drafted a certificate of incorporation and bylaws for the new corporation. A second student, working with a community-based organizing committee at St. Ann's parish on the East Side, prepared a financing package that included grant applications for the conversion of a large rectory into 25 units of low-income housing.

First stage approvals for the conversion project have been received from funding sources, and construction is expected to start in early 1989. Another student has begun to prepare an application for federal low-income tax credits. These credits will be marketed to create a fund that will subsidize already low rents. The fund will enable very low-income families to afford the units.

Other students represented members of the East Side community in the formation of a community land trust, an effort to stave off disintegration and deterioration of the neighborhood. This trust is called the East Buffalo Community Ownership Project. Students also assisted in the formation of Benedict House of Western New York, a not-for-profit corporation that provides housing and support services for Aids victims. Students will continue to assist in the preparation of grant applications to the homeless housing assistance program for Benedict House. Recently, students began pre-development work for the conversion of three area schools into low-cost cooperative housing and housing for homeless families.

"It has been an exciting start — but it's only a start," says Professor Olsen. "It will take many more years of hard work to fill the void in Buffalo alone." But now there is hope that the Walker family — and others like them — will some day have heat in the winter and a roof over their heads. Preferably, one that doesn't leak. ■

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# Glimpses of Life in the Soviet Union

*By Marjorie Girth*

Last May I traveled to the Soviet Union with a delegation of female practicing attorneys, law professors and judges. Our trip occurred under the auspices of an agreement to encourage professional exchanges that exists between the American Bar Association and the Association of Soviet Lawyers. In addition to the ASL, our Soviet hosts were the US-USSR Friendship Society and the Soviet Women's Committee. All three organizations are state-sponsored, and participation is therefore officially-sanctioned, not voluntary. Intourist coordinated the logistical arrangements.

The purpose of our trip was to meet with our professional counterparts and to view legal proceedings. As is customary, our Soviet hosts did not disclose our agenda in advance. Upon arrival in Moscow, we discovered that the pre-planned professional agenda was unacceptably light, so that additions had to be negotiated continuously during our three week stay. Ultimately, as co-leader of the delegation, I received an apology revealing that the Soviets "... had very significantly underestimated the seriousness of this group." Whether their advance perception was affected by simple mis-communication or by the fact that often American "educational" tour directors request just enough professional programming to satisfy our tax laws' requirements, or by their perceptions concerning an all-female delegation, we will never know. We do know that our Soviet hosts completely ignored the requirement of a "spouses' program for men", because they genuinely found such a request to be incredible and assumed that an interpretation error had occurred.

In any event, the need to negotiate gave us invaluable experience in attempting to function in a professional context. No

telephone books or "information operators" exist. Buildings often have no directories nor receptionists. The same street number may be used for six or eight buildings in a complex. The operating assumption seems to be that if you have a right to know, you already know. If you lack information, it is very difficult to function efficiently.

The four cities that we visited also provided a wide range of cultural contexts. Moscow was, for me, colossal in many respects. Obviously an international capital, it is both large geographically and massively bureaucratized. Kiev is vibrant and colorful, but its citizens remain very anxious about the long-term consequences of the Chernobyl disaster. Baku is an oil industry center nestled between the desert and the Caspian Sea not far from Iran. Most of its citizens are Moslem in heritage, and "hero mothers" who have more than ten children abound. Finally, Leningrad, which is very reminiscent of Western European cities, offers beautiful canal-threaded vistas. Its people are the most outspokenly-preoccupied with the Soviets' tragic losses during World War II, although memories of that war were repeatedly brought to our attention in every city that we visited.

The diversity of these contexts causes me to be very tentative about drawing conclusions from our observations of the Soviet legal system. Nonetheless, impressions remain, and I share them with the hope that those of you who have similar experiences will discuss your observations publicly.

Throughout the visit, I was dependent upon the skill of both American and Soviet interpreters, because my knowledge of the Russian language is embarrassingly fragmentary. Moreover, the very significant differences in assumptions that underlay the questions of both the Soviet and

American participants created a significant risk of misunderstanding despite everyone's best efforts to communicate openly.

The courts that we observed were People's Courts, which handle civil and criminal matters in their respective urban districts. Jury trials do not exist in the Soviet Union, but the proceedings are presided over by a judge and two lay assessors. Until very recently, judicial elections were uncontested, but Mikhail Gorbachev has encouraged competition for these petitions. The lay assessors are also elected by the workers at their enterprises. They serve for two and a half weeks per year unless they happen to be assigned to a longer trial. The judge and the lay assessors have equal voting power, but the judge did almost all of the questioning in the proceedings that we observed.

For the Soviet legal system the ultimate goal is to ascertain the truth. Soviet "jurists" (as all lawyers are called) seem to find it mystifying that our system could allow results to depend upon an advocate's skill. Consequently, the primary focus in the Soviet system seems to be in the development of the investigatory file once a criminal or civil incident occurs. This responsibility falls to the procurator, whose professional staff serve in both an administrative investigatory capacity as well as a prosecutorial role in criminal cases. Obviously, that combination of roles seemed awkward to our participants.

The file consists of interviews with anyone who might have information concerning the incident. Once complete, it is forwarded to the judge and to the lawyers, if any. If the judge is dissatisfied, or a lawyer persuades the judge that the investigation has been insufficient, the file is returned for further investigation.

By the time a trial occurs, the judge has



*A criminologist at the Moscow Institute for the Study of the Problems of Strengthening Legality.*

essentially approved the process by which the procurator has assembled the facts. The trial then may consist largely of a final check on the accuracy of the record. If facts are disputed in the file, conflicting testimony will be heard. Proceedings under those circumstances appear to be very informal by American standards. The parties may ask questions. Relatives or acquaintances may comment from the audience. No evidence seems to be excluded, because any information might lead to a more complete understanding of the truth.

Once the judge and the lay assessors reach a decision, they either award the tangible civil damages that the evidence has revealed or they impose the statutorily-prescribed penalty in criminal cases. Appeals may be taken to the City Court and to the Supreme Court of the particular republic, but higher court decisions will have no precedential effect in future cases. The Soviet Union's Supreme Court does not hear individual cases, but serves an educational role by issuing publications concerning legal issues that it anticipates to be of general interest.

We also had opportunities to discuss the process of developing law reform proposals with professionals who were assigned to various research institutes. The project that

was nearest completion was the proposed revision of the All-Union Criminal Code. It was being developed at Moscow's Institute for the Study of the Problems of Strengthening Legality. The Institute's senior scholars spoke quite candidly about problems that seemed familiar to American researchers. They often found their substantive conclusions to be ahead of the prevailing political consensus and frequently had to respond to requests for studies rather than being able to control their research agenda. The Institute's Director invited us to join them later in our visit at a Senior Criminologists' Convention in Baku. There we heard presentations on a wide range of topics, including the judge's role in determining the causes of a crime, deterring international terrorism, and determining the extent to which criminal law enforcement deters prostitution.

Representatives of the Soviet Women's Committee in each city similarly shared concerns that seemed very familiar. Alcohol abuse, and the accompanying spouse and child abuse, are now acknowledged problems, because of Mikhail Gorbachev's anti-alcoholism campaign. They also frequently mentioned the problems of illegitimate children and obtaining adequate child support. Juvenile crime is another major concern. In this context, our legal systems

diverge somewhat, because Soviet courts deal only with behavior that amounts to a crime. Situations involving uncontrollable behavior (comparable to our "person in need of supervision") are referred to the local "soviet", which is the elected council of area representatives. The soviet decides what activities will produce an acceptable change in behavior and monitors the juvenile's progress. My impression is that Soviet life, even in the major cities, is much less anonymous than it could be in this country, because the sense of community responsibility for maintaining order is much stronger.

Business developments are also currently of major interest. In early 1987 the Supreme Soviet passed legislation authorizing the establishment of joint ventures. At the time of our visit approximately 40 joint venture agreements had been signed, with another 200-300 being negotiated. American lawyers who had worked on these projects reported that their counterparts in the negotiations were usually the relevant Ministry officials, not lawyers. Although such ventures are exempt from the requirements of the current five-year plan, they must still obtain all of their resources, including housing for American participants, from enterprises or Ministries that are subject to the plan. Consequently, it has proved to be extremely difficult to implement operating plans for the joint ventures even after the often-complicated negotiations successfully reach agreement.

If glasnost and perestroika remain official Soviet policy, I anticipate that the number of authorized meetings between Soviet and American professionals will continue to increase. I was surprised by how many of our Soviet counterparts had never previously met with a group of Americans to discuss mutual concerns. They often described themselves as "nervous" at the prospect of our meetings, and almost invariably closed a session with the following message that is based upon an ancient proverb:

"We have, of course, listened very carefully to what you have said, but it is even more important for us to have seen your eyes."

I also felt that it was very important for us to have seen them, as people of both countries seek greater mutual understanding. ■

*Marjorie Girth is Professor of Law at UB Law School. Her teaching interests include bankruptcy and reorganization, commercial law, consumer protection, contracts, and gender-based discrimination.*



*Professor Philip Halpern addresses Rochester alumni.*



# Attorney-Client Confidentiality and Harm to Third Persons

*By Philip Halpern*

## **The Dilemma**

What should a criminal defense lawyer do upon learning as a result of a confidential communication with a client that a third person may be in imminent danger of death? Suppose the client tells the lawyer that hours before he stabbed a child whom he left in an isolated area. When asked by the lawyer about the extent of injury, the client responds, "I cut her, I'm not sure how badly."

In this situation, the instinct of a non-lawyer would be to pick up the phone and call the police to tell them that a critically injured person may be found at a particular location. Initially, a lawyer's instincts would probably be similar. However, having reached for the phone, the lawyer might hesitate, saying to himself or herself: "I can't disclose this information; disclosure would be contrary to professional ethics."

What should the lawyer do? After examining the guidance offered by the pertinent provisions of the A.B.A.'s 1969 Code of Professional Responsibility and its 1983 Model Rules of Professional Conduct, I'll suggest what I think is the appropriate response.

## **Alternative Courses of Action**

1. *Tell all without qualification.* Prompt

disclosure of the information to the authorities could save the life of an innocent child. The lawyer hesitates, despite the apparent urgency of the situation, because of a professional obligation to preserve the confidentiality of information supplied by a client. The Code defines the lawyer's obligation of confidentiality in Canon 4 which states: "A Lawyer Should Preserve the Confidences and Secrets of a Client." Confidence is defined to include communication protected by the attorney-client testimonial privilege, while secret is defined more broadly to include other information obtained as a result of the professional relationship not covered by the privilege.

DR 4-101 (B) requires that a lawyer must not "reveal a confidence or secret of his client," nor may the lawyer "use a confidence or secret of his client to the disadvantage of the client." The information imparted to our hypothetical lawyer seems to qualify clearly as a confidence protected by both the Code and the attorney-client testimonial privilege. There are, however, exceptions to the non-disclosure rule, two of which seem pertinent to the situation at hand. A lawyer "may" (note the permissive usage) reveal confidences or secrets: [1] when permitted by the Disciplinary



Rules or required by law or court order; and [2] when they relate to the intention of his client to commit a crime.

With regard to the first exception, no obligation exists under the Disciplinary Rules or extrinsic law that requires disclosure. There are a line of cases requiring defense attorneys to preserve and turn over to the authorities physical evidence adverse to their client, even if that evidence is obtained as a result of a confidential communication. The duty to do so typically is founded upon criminal statutes prohibiting the concealment of evidence. However, no physical evidence is involved in the situation at hand and no general legal obligation exists to prevent harm to third parties. With regard to the exception permitting a lawyer to reveal the intent of a client to commit a crime, that does not appear applicable since the information relates to a past criminal act rather than the intent to commit a future crime.

The 1983 Model Rules similarly create an expansive zone of confidentiality. Model Rule 1.6 states that a lawyer "shall not reveal information relating to the representation of a client." Rule 1.6 (b) permits, but does not require, a lawyer to reveal confidential information "to the extent the lawyer reasonably believes necessary to prevent the client from committing a criminal act that the lawyer believes is likely to result in imminent death or substantial bodily harm." However, as with the Code, breach of the confidentiality principle is permitted, not required, and only to prevent a future criminal act, not to mitigate the consequences of a past criminal act.

Accordingly, the Code and the Model Rules seem to counsel against, perhaps prohibit, the lawyer's disclosing the location of the child to the police as being contrary to the obligation to maintain confidentiality of client information.

2. *Remain silent.* Under one interpretation of professional ethics, a lawyer should sit back and do nothing, although he or she possesses information which might save the life of a child. I am not comfortable with that resolution. It is a simplistic and mechanical response to a complex moral and

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*The duty of lawyers  
to safeguard the secrets  
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professional dilemma.

The duty of lawyers to safeguard the secrets of clients is most frequently defended on the ground of social utility. The guaranty of confidentiality is said to encourage persons in need of legal help to seek legal assistance that they might otherwise fail to obtain. Additionally, it is claimed that the assurance of confidentiality is needed to promote full disclosure of all relevant facts essential to proper representation. In sum, the argument is that society gains from an effective legal system, for which attorney confidentiality is a prerequisite.

There are two objections to this consequentialist position. One is empirical. Evidence is absent showing that effective legal representation would be imperiled if law-

yers had an obligation to protect innocent third parties from serious harm, even if it meant divulging confidential information. Lawyers recite the principle of attorney-client confidentiality so frequently that ritualistic incantation threatens to displace objective analysis. We come to believe that the principle is monolithic and inviolable, when it is not. For instance, under the Code and Model Rules, a lawyer is free to reveal confidential client information in order to defend against an adverse claim, to protect his or her reputation or to succeed in a fee dispute with a client. One wonders at the cost-benefit analysis that led to this result and who did the weighing.

The other objection does not call into question the assumption that clients will consult with lawyers earlier and more fully if lawyers have no duty to act to protect innocent third persons. Even granting that assumption, to risk one person's life in order to help a client or benefit society by improving the legal system, according to this objection, reflects an erroneous weighing of conflicting values.

I don't mean to suggest that the arguments supporting attorney confidentiality are not strong, because they are. However, the principle of confidentiality and its underlying values should not be treated as absolute or uniformly superior to other values with which they may come into conflict. What is needed is an approach that acknowledges the conflicting values and seeks to accommodate them. In that spirit, let us consider other alternatives open to our hypothetical lawyer.

3. *Disclosure based on express consent of the client.* Of course, if the client consents to the disclosure, there is not a problem under either the Code or the Model Rules. The moral dilemma is avoided. However, valid consent requires consultation with the client and full explanation of the probable consequences of the client's waiver of confidentiality. The exigencies of the situation may not afford sufficient time for such consultation, and the client may withhold consent after full discussion.

4. *Disclosure based on implied consent of the client.* Model Rule 1.6 allows dis-

closure of confidential information that is "impliedly authorized in order to carry out the representation." Saving the victim's life could be in the client's interest by avoiding a charge of homicide. However, disclosure will not always be to the client's advantage and may seriously disadvantage the client. For instance, disclosure calculated to save the victim's life may not achieve its intended effect (the victim may already be dead) and such disclosure may provide a vital evidentiary link between the client and the crime. From the client's viewpoint, although a conviction for assault or attempted homicide is better than one for homicide, no conviction is best of all. Hence, if the lawyer is to furnish confidential client information to the prosecutor or police, on the ground that the lawyer reasonably believes that divulgence is necessary to prevent imminent danger to human life, it must be done in a manner reasonably designed to protect the client's interests.

5. *Disclosure with an agreement against attribution.* I suggest that the lawyer should advise the prosecuting authorities or the police that he or she possesses confidential information that may save the life of an innocent person, but that which the attorney is free to disclose only upon agreement that such information will not be attributed to either the lawyer or the lawyer's client. If such agreement is obtained, disclosure will serve the public interest and perhaps the interests of the client; at least harm to the client will be minimized.

### **Support for the Proposed Non-Attribution Rule**

An agreement forbidding attribution to the client or the client's attorney of confidential information where divulgence was reasonably believed necessary to prevent imminent and serious danger to human life finds support in cases requiring defense counsel to turn over to the prosecutor adverse physical evidence. For instance, in *People v. Meredith*, a California case, the court required a lawyer, whose investigator recovered the victim's partially burned wallet from a trash can based on information

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*Prosecutors should  
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to the defense bar  
policies with respect  
to the receipt and  
non-attribution of con-  
fidential information.*

---

supplied by the client, to turn the wallet over to the prosecutor.

The court also held that the wallet was admissible in evidence. More difficult was the admissibility of testimony concerning its location, since finding the wallet was the result of a client's confidential communication protected by the evidentiary privilege. In order to safeguard this privileged communication, the court suggested that in offering the physical evidence the defense lawyer had turned over to it, the prosecution should present it in a manner "which avoids revealing the content of attorney-client communications or the original source of information . . . When it is not possible to elicit such testimony without identifying the [source] as the defendant's attorney or investigator, the defendant may

be willing to enter a stipulation which will simply inform the jury as to the relevant location or condition of the evidence. . . . [The] prosecution should not be permitted to reject the stipulation."

### **The Role of Prosecutors**

Prosecutors should develop and publicize to the defense bar policies with respect to the receipt and non-attribution of confidential information where divulgence is reasonably believed necessary to prevent imminent danger to human life.

Additionally, if an attorney divulges confidential information for the purpose of saving human life without an agreement of non-attribution, it would be short-sighted and wrong for a prosecutor to attempt to use the communication against the accused. The predictable consequence of such action would be embarrassment of the particular defense attorney involved, and, more importantly, deterring other members of the defense bar from coming forward with confidential information in similar circumstances. Additionally, the predictable chilling effect on defense lawyers may not be offset by any evidentiary gain to the prosecutor, since such confidential information may not be usable at trial even without an agreement of non-attribution. If the information is protected by attorney-client privilege, any disclosure of that information without a valid waiver of the privilege by the client may well leave the privilege intact.

### **Conclusion**

The arguments in support of attorney-client confidentiality are strong, but they do not always justify silence when third persons are threatened with serious and imminent harm. Creative solutions are needed to reconcile conflict between preserving client secrets and preventing harm to others. ■

*Philip Halpern is Professor of Law at UB Law School. His primary teaching and research interests are in criminal law and criminal procedure. This article was delivered as a speech to our Rochester alumni, who invited him to speak at their annual luncheon.*

# Criminal Defendants Still Denied Timely Appeals

By R. Nils Olsen, Jr.

There is no constitutional right to a direct appeal of a state-imposed criminal conviction. Having made a right of appeal available, however, the state is obligated to avoid impeding effective access to its corrective process. Fundamentally, an excessive delay in adjudicating a prisoner's appeal may constitute a denial of due process of law, as guaranteed by the Fourteenth Amendment.

In Erie County, indigent criminal appeals to the Fourth Department of the Appellate Division are handled by the Legal Aid Bureau of Buffalo (LAB), pursuant to a contract with the County. At least during the past four years, these cases have been systematically denied reasonably prompt appellate access.

As of Oct. 22, 1987, there was a backlog at LAB of nearly 414 unperfected criminal appeals. The delay in perfecting appeals ran nearly three years from the date of assignment of counsel. Thirty-two unperfected appeals had been assigned to LAB before 1983, with two more than seven years old.

Prejudice from the deprivation of reasonably prompt corrective process is apparent. Those sentenced to relatively brief terms of imprisonment, up to five years, may never have the legitimacy of their convictions assessed while in custody. It is true that relatively few will ultimately prevail on their direct appeals. However, those with sufficiency of the evidence or double jeopardy claims which are sustained cannot be reprosecuted. Time spent in confinement is forever lost and can never be adequately compensated. Those who obtain tardy reversals on other grounds might earlier have been acquitted on retrial, nego-

tiated new pleas for time served or, as a matter of prosecutorial discretion, gone free without reprosecution. Even those whose convictions are ultimately affirmed pay a heavy price, despairing over the long delay, developing justifiable skepticism concerning the integrity of legal institutions and directing their attention away from whatever minimal opportunities for rehabilitation our "correctional" system provides.

Causes of endemic appellate delay in Erie County are complex. Both the State and the County have contributed to the problem. As with other federally-mandated services, New York passes the obligation to provide representation to indigent criminal defendants on to the Counties. This system burdens smaller units of government with more restricted means to pay. Politically unpopular line items in County budgets are susceptible to challenge and must survive competing demands from other more acceptable groups.

Erie County has failed to comply with its state-imposed mandate, underfunding its contract with LAB through the years. The Erie County Executive and Legislature have consistently ignored the cries of alarm concerning backlog, both by the Bureau and, in an unprecedented appearance last year, by Chief Judge Michael Dillon of the Fourth Department. The County has further failed to monitor the performance of its designated counsel, to establish reasonable standards or to inquire concerning the developing backlog of representation.

LAB has also played a role. Persistent underfunding, with a growing backlog of unrepresented clients, and a salary scale much lower than that paid for equivalent

work by the district attorney, unquestionably led to disillusionment and the failure to retain committed, highly skilled senior staff. Serious management questions can also be raised, particularly concerning both internal allocation of resources to a vestigial civil division when mandated services remain unmet, and the failure to fully implement policies to maximize the effectiveness of limited resources.

Another factor in the appellate delay over the years has been administrative problems in state courts. Until recently, the Fourth Department lacked computer capability and had no way to monitor, or even be aware of, the status of these appeals. Unlike the federal system, the Court had no plan for indigent criminal appeals which set forth obligations for assigned counsel or time periods for perfecting appeals. As a result, cases languished for years unperfected with no active oversight or involvement by the Court.

The Erie County district attorney's office generally files responsive briefs promptly and has not directly contributed to delay. However, under Appellate Division rules in effect until recently, the only way to bring delay to the Court's attention was by motion of the district attorney to dismiss for failure to prosecute. Because it was almost never in the adversarial interest of the People to bring such motions, which would usually result in imposition of briefing schedules, requests to dismiss were not brought until recently. The district attorney, through his silence, thus implicitly permitted the backlog to accumulate without judicial intervention.

Counsel who represent criminal defendants at trial also have contributed to





Professor R. Nils Olsen, Jr. in his John Lord O'Brian Hall office.

appellate delay. Private practitioners provide pre-trial and trial representation to indigent criminal defendants in Erie County. Pay for such services is low and generally ceases upon entry of judgment. Accordingly, there is little incentive, beyond individual notions of professional responsibility, to engage in post-sentence representation by filing *in firma pauperis* motions in the Appellate Division or by promptly communicating with LAB concerning possible error. Failures of some assigned counsel to promptly file pauper's motions, and of nearly all to meaningfully assist assigned appellate counsel, further impede the process.

The bar, too, must take some responsibility for the torpid pace of indigent criminal appeals. Until the problem was in the public spotlight, bar involvement was minimal. The Erie County Bar Association Committee on Criminal Law did establish a distinguished sub-committee which issued a detailed report on the crisis of 1988. Little other direct assistance in resolving the problem as it developed was given, however. The duty to ensure that the judicial system is available to all, irrespective of

means, is a responsibility of the bar.

Despite all of the difficulties detailed above, the story is not all bleak. On Nov. 19, 1987, a class action application for a writ of habeas corpus, on behalf of all LAB clients whose appeals had not been perfected within six months of Notice of Appeal, was filed in United States District Court. This case is presently proceeding before Magistrate Edmund Maxwell, on referral from District Judge John Elfvin. It stands as a stark reminder that the underfunding of indigent criminal appeals, and the lack of concern and involvement it represents, does carry a cost. If the crisis is not addressed and corrected, ultimate federal intervention, ordering class-wide release pending perfection of appeals, could be the result.

Other steps to address the problem directly have been taken. The Appellate Division, effective Jan. 4, 1988, promulgated an Indigent Criminal Appeals Management Plan which imposes meaningful deadlines for perfection of appeals and establishes a Criminal Appeals Council to make resource recommendations to the Court. The private bar has also mobilized.

On Jan. 12, 1988, County Executive Gorski wrote to law firms seeking *pro bono* assistance to reduce the backlog. At least 70 of the older pending appeals have been undertaken by local firms.

LAB resources have also been increased. Through a County special appropriation and internal reallocation of responsibilities of staff assigned to other units, LAB has augmented the number of attorneys assigned to perfect indigent criminal appeals. Efforts have been undertaken to comply with the Fourth Department's new deadlines for perfection.

While progress has been made in addressing the problem, and public and legal profession awareness has been heightened, more remains to be done. A large number of indigent criminal defendants are still being denied timely access to appellate consideration on the legality of their convictions. ■

*R. Nils Olsen, Jr. is Professor of Law at UB Law School where he heads the clinical education program. He is counsel for indigent inmates challenging delays in the hearing of their appeals. His teaching interests include civil procedure, evidence, post-conviction remedies and legal profession.*





Joseph G. Makowski '79

A handwritten signature in cursive script that reads "Joseph G. Makowski".

## Message from the President

establishment of chapters in Rochester and New York City. His quiet leadership will be greatly missed.

This year will mark the continued transition of our association from a strong local alumni group to a regional association, with additional chapters planned for Albany and Washington, D.C. While we continue to steadily increase our membership, the number of sponsored events (and yes, the dollars in our treasury), we have also begun to realize our potential as a force to provide meaningful assistance to the mission of the Law School.

While the primary base of our alumni support remains centered in New York State, the association continuously attempts to expand geographically. This expansion mirrors the fact that 6,000 graduates of UB Law School now live throughout many different parts of the United States. It is our intention to continue this expansion of chapters. If you reside in any of our present chapter cities, please become involved in our events. If you want to think about establishing a chapter in your city, please contact our executive director, Ilene Fleischmann, c/o UB Law School, 723 John Lord O'Brian Hall, Buffalo, New York 14260, or call her at (716) 636-2107.

As we go to press, I am pleased to report that we have more than 800 dues paying members so far this year. We are excited about the prompt response given to our membership solicitation and hope that the association will attract over 900 dues paying members this year. If you have not yet mailed in your dues statement, please take the opportunity to do so at your earliest convenience.

As many of you are aware, this past year marked the 100th anniversary of the Law School. In conjunction with our centennial celebration, the History Subcommittee of the Law Alumni Association, in conjunction with faculty members, students and former Deans Jacob D. Hyman and

Thomas Headrick, compiled an interesting book detailing the history of the Law School. The project truly has been a labor of love for Robert C. Schaus '53, James Arnone '85, New York Supreme Court Justice Thomas Flaherty '50, and others involved in the project. The manuscript is now undergoing final revisions prior to being sent to the publisher. We anticipate mailing a complimentary copy to you later this year.

During my tenure on the board of directors, I have had the opportunity to work closely with Associate Dean Alan S. Carrel on the Law School's annual fund campaign. This year the need for increased alumni giving is especially critical in light of New York State budget cuts to the State University of New York system. Dean David B. Filvaroff has informed me that Law School operations are already being adversely affected as UB President Steven B. Sample carries out mandated cuts.

While many of you may find it difficult to understand why a state supported institution needs alumni financial support, let me assure you that New York State funds provided to the Law School are insufficient to meet our school's program and operating needs.

Alumni contributions through our annual campaign make the all important difference in the quality of operations at the Law School. Money raised through alumni contributions has been used for such purposes as student financial aid, moot court programs, sponsorship of student and faculty scholarship, financing of student journals, the purchase of audio visual equipment, library acquisitions and the funding of the trial technique and New York practice courses. Considering the current budget crisis, the Law School needs our financial support today more than ever. I hope you will consider a substantial increase in your annual gift when you are contacted during the campaign. ■

**T**his past June, I assumed the role of president of our association succeeding Robert W. Keller '66. On behalf of the Law Alumni Association, I would like to take this opportunity to thank Bob for his six years of service. His year as president was marked by the continued growth of the association, including the



*Mrs. Manly Fleischmann accepts plaque from President Steven B. Sample.*

## Fleischmann Wins Jaekle Award

**T**he Law School's celebration of its first century continued Saturday, March 5, 1988 at a Centennial Law Convocation when President Steven B. Sample presented the 1988 Edwin F. Jaekle Award posthumously to Manly Fleischmann '33. Fleischmann was a renowned UB Law School graduate who died in March, 1987, after a distinguished career in legal service and education. The award was presented to Fleischmann's widow, Lois, during ceremonies held in the Center for Tomorrow.

It was the first time that the Jaekle award — the highest honor the Law School can bestow — was given posthumously since it was established in 1976. Fleischmann had previously received the Chancellor Charles P. Norton Medal, which is UB's highest honor, and the SUNY Distinguished Citizen Award, among many others.

"The man whom we honor today symbolized the tradition of excellence which has characterized legal education and the legal profession here in Buffalo," Sample said.

"While we recognize the enormous contribution which Mr. Fleischmann has made to state, national and international law and relations, we also recall his close associa-

tion with the university and the important influence he had on its early development."

A graduate of Harvard University, Fleischmann taught on the UB law faculty and was one of the original trustees of the UB Foundation. In 1965, Governor Rockefeller appointed him to the SUNY Board of Trustees, a position he held until 1979.

"Fortunately, Manly Fleischmann had the satisfaction of seeing many of his ideas transformed into realities," said Sample, noting he had participated in the decisions to merge UB into the SUNY system, and to build the campus in Amherst.

Professor Albert R. Mugel, who has taught in the Law School for almost 50 years, also spoke movingly of his late friend and partner in the Buffalo law firm of Jaekle, Fleischmann and Mugel.

"Manly was much more than just a member of our firm," Mugel said. "He was a great lawyer who was in residence at our firm, the way that a great musician might be in residence at a university . . . He was our centerpiece."

Fleischmann was "born into the law," said Mugel. His father Simon was a noted lawyer at the turn-of-the-century. For much of his career he practiced with his two brothers, Adelbert and Justice.

"It was clear from his early years that he was an exceptional person," Mugel told the audience of over 200. "The day he was admitted to the bar at the Appellate Divi-

sion, he argued a case before the Appellate Division," Mugel recalled.

Accepting the Jaekle award, Mrs. Fleischmann said, "It's pleasing to me and the family and Manly's partners that he is so well remembered by his alma mater.

"This same alma mater gave Manly another wonderful honor more than 50 years ago," she recalled — a \$100 gift towards his senior year tuition. That scholarship money enabled Fleischmann to finish his legal studies. ■

## New Officers and Board

**J**oseph G. Makowski, corporate counsel for Computer Task Group, Inc., was elected president of the University at Buffalo Law Alumni Association at the organization's June 16th meeting.

Prior to joining CTG, Makowski was associated with the Buffalo law firm of Albrecht, Maguire, Heffern & Gregg, P.C. He also serves on the board of directors of Neighborhood Legal Services and is presently chairman of the City of Buffalo Cultural and Arts Advisory Committee, among numerous other activities. Makowski graduated from UB Law School in 1979.

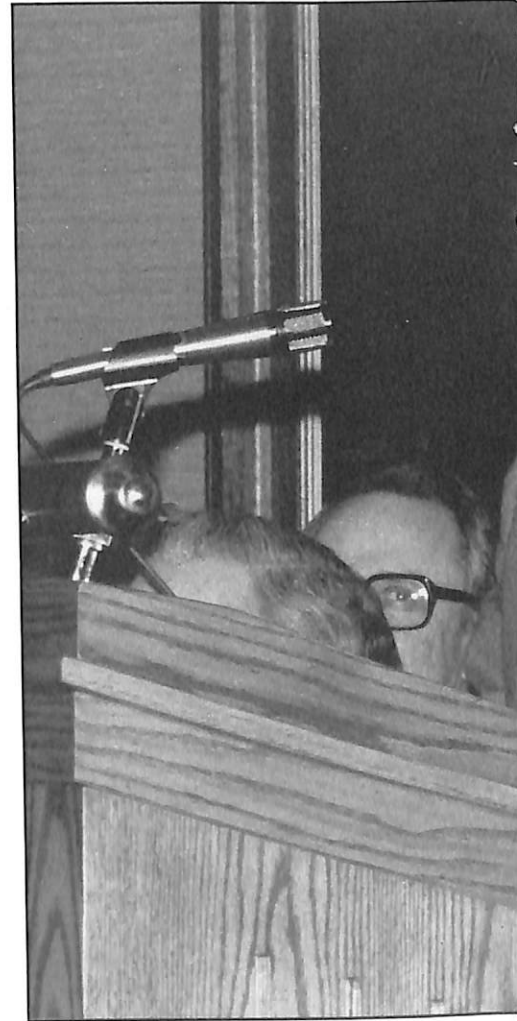
Other officers elected were: David E. Parker '77, president elect; Margaret Lillis-Snajczuk '84, vice president; Thomas M. Ward '66, treasurer; and Robert C. Schaus '53, secretary.

Newly elected to the board of directors are: Mona L. Baskin '82, Peter J. Fiorella, Jr. '63, Garry M. Graber '78, Sharyn G. Rogers '77, K. Michael Sawicki '73, Hon. Robert E. Whelan '70 and Helen W. Zimmermann '81.

At the June meeting, outgoing President Robert W. Keller '66 was presented with a plaque of appreciation for a job well done. Certificates of appreciation were presented to the following outgoing members of the Board of Directors: Hon. Barbara Howe '80, Dan D. Kohane '79, Hon. Edmund F. Maxwell '49 and Eugene F. Pigott, Jr. '73. ■



*Maryann S. Freedman '58*



*Hon. Theodore S. Kasler '53*

## **Distinguished Alumni Honored at 1988 Annual Dinner**

**T**hree outstanding Buffalo attorneys accepted Distinguished Alumnus/a Awards from Robert W. Keller, 1987-88 president of the UB Law Alumni Association, at their 26th Annual Meeting and Awards Dinner. The event, which is the alumni organization's major fundraiser, was held on Friday, April 29th in the ballroom of the Buffalo Hilton Hotel.

State Supreme Court Justice Theodore S. Kasler, a member of the class of 1953, was cited "For his diligence and for his conscientious performance in the judiciary." Elected to State Supreme Court in 1974, he has been supervising judge for all criminal courts in the eight county Western New York area since 1978. A graduate of Canisius College, he served as a deputy corporation counsel, city court judge and assistant district attorney before being elected to the Supreme Court.

Maryann S. Freedman, former president of the New York Bar Association, was honored "For her leadership by example



*William R. Brennan '48*

and for her commitment to public service." A 1958 graduate of UB Law, she spent time in private practice, then went to work as a research assistant for Buffalo City Court. She became an assistant attorney general in 1975. Since 1977, she has served as confidential law clerk to Justice William J. Ostrowski of the State Supreme Court.

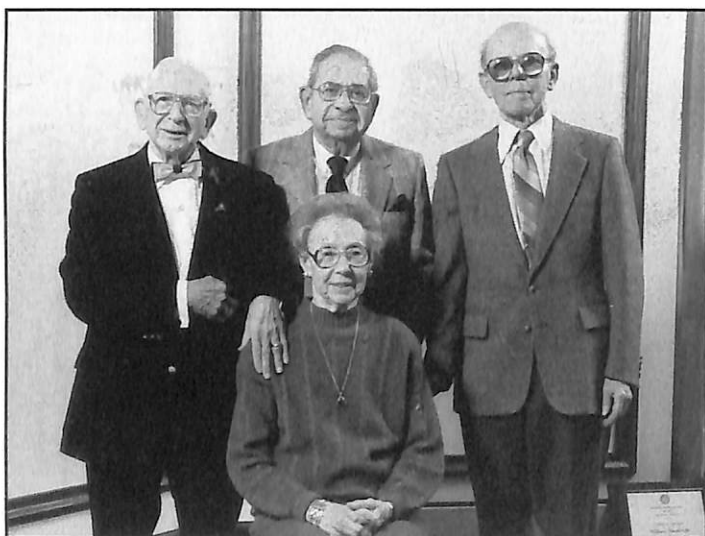
William R. Brennan received the award "For his dedication to the profession and for enhancing the image of the private practitioner." He is a partner in the Buffalo law firm of Moot & Sprague. A graduate of Holy Cross College and UB Law, class of 1948, he has practiced law continuously in

Buffalo, where he is an active member of numerous civic and legal organizations.

The awards were established by the Association's board of directors in 1963 to recognize the valuable contributions UB Law School graduates have made to their profession and community.

University President Steven B. Sample, Provost William R. Greiner, and Dean David B. Filvaroff were among those who participated. Thomas M. Ward and Michael Swart headed the dinner committee, which included Robert B. Moriarty, Eugene F. Piggott, Jr., Jean C. Powers, Elaine E. Salvo and Oliver C. Young. ■





#### REUNION CLASSES

**1928 (upper left)** Left to right: Pierson L. Cohen, Alfred B. Silverman, William Haeseler, Jr. Seated: Berenice S. Alpern.

**1943 (middle left)** Front row, left to right: E. Floyd Bimber, Jr., Joseph L. Watson. Second row, left to right: Richard Lipsitz, James V. Scampole, Robert J. Ast.

**1958 (bottom left)** First row, left to right: Barbara Sue Dealy, George M. Gibson, Maryann Freedman, Jack L. Getman. Second row, left to right: James N. Carlo, Nicholas J. Longo, Anthony C. Vaccaro, Anthony J. Colucci, Jr., Joel Brownstein, and Robert J. Lane.

**1938 (upper right)** Front row, left to right: Richard F. McDonough, Sigmund Schwartz, Leonard C. Lovallo, Leo Stein, Herbert M. Solomon, Edward F. Megler. Second row, left to right: Hon. Crucian Messina, Reginald J. Sootheran, Simon J. Nash, Willard A. Genrich. Third row, left to right: James J. White, Hon. Carmen F. Ball, Dean David B. Filvaroff, Frank G. Gunderman, Robert C. Sanborn, Ralph F. Howe, George R. Blair, Sr., Salvatore N. Valvo, Raymond T. Miles, Jr., James L. Crane, Jr.

**1953 (middle right)** Front row, left to right: Hon. Theodore S. Kasler, Lester Goodchild, Neil R. Farmelo, F. Lambert Haley. Second row, left to right: Donald T. Mahoney, Gerard Lankes, Matthew X. Wagner, Sheldon Hurwitz, unidentified, Ralph L. Halpern, Hilary P. Bradford, Berton F. Halderman, Eugene D. Swenson, Frederic C. Washburn, Stanley Grossman, John H. Lyons, Benjamin L. Berger, James N. Hite, Robert C. Schaus, unidentified, Daniel T. Roach.

# Greater New York Chapter Forms

**J**oseph G. Makowski, president of the UB Law Alumni Association, announces that the Greater New York City Chapter of the UB Law Alumni Association has been officially formed, complete with their own by-laws and board of directors. After Rochester, New York is the second regional chapter of the Law Alumni Association to become organized.

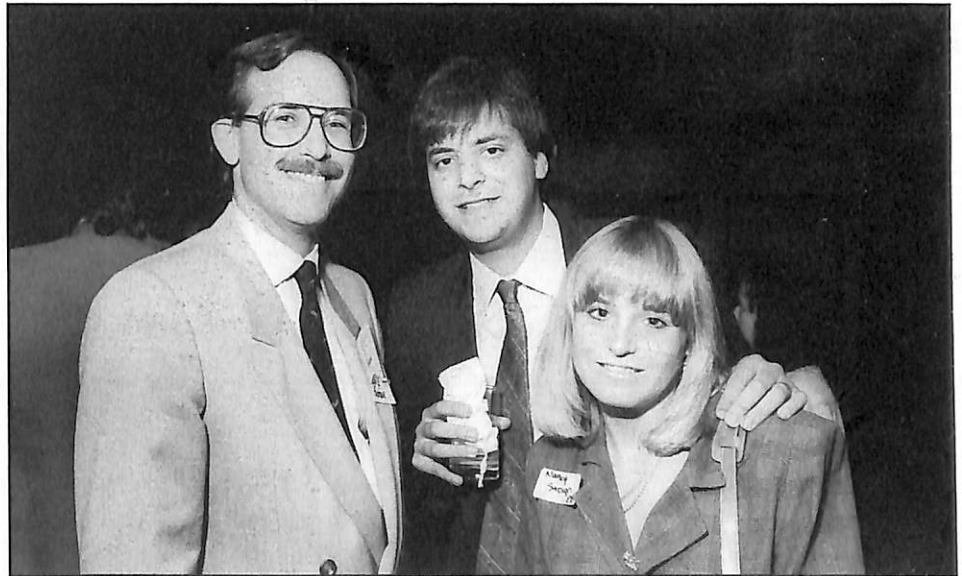
According to Neil E. Botwinoff, who served as acting chairperson of the steering committee that preceded the board of directors, the purpose of the new chapter is "to sponsor events in the New York area, and to work with the Law Alumni Association in order to promote awareness of the Law School and help enhance its reputation in the New York metropolitan area."

Approximately 1,000 UB Law School grads live in the greater New York vicinity, "so there is excellent potential for a strong chapter to develop," said Alumni Director Ilene Fleischmann.

"Alan Carrel and I flew down to attend some of their steering committee meetings. We saw terrific enthusiasm and lots of comraderie and creative brain-storming. We expect great things to happen from this group." Dues will continue to be paid to the Law Alumni Association, which helps to subsidize events for the chapters.

The New York group has already sponsored their opening event: a cocktail party held Thursday, September 22, 1988 at the Omni Park Central Hotel, Seventh Ave. at 56th St. According to Gina Peca, who made the arrangements for the affair, the party was scheduled the evening before the Law School's New York City interview program September 23rd so that current law students as well as alumni could attend. Dean David B. Filvaroff, Associate Dean Alan S. Carrel and CDO Director Audrey Koscielniak were present.

At a meeting prior to the cocktail party, by-laws were approved by the general



*Membership Chairman David E. Parker '77, left, Frederic B. Goodman '88 and Nancy P. Steiger '88 at the New York City reception.*



*Gerri Pickett '86, left, Donna A. Humphrey '83 and Debbie I. Humphrey '80 at the New York City reception.*

membership and the following individuals were elected to serve as directors: William C. Altreuter, Susan L. Beberfall, Leslie W. Berkovits, Markus I. Berkovits, Neil E. Botwinoff, Harold S. Boxer, Lori Cohen, Shelley Cohen, Bonnie B. Gould, Kenneth J. Landau, Mitchell J. Lustig, Gina S.

Peca, Margaret A. Rabkin, Charles W. Stotter, and George R. Villegas.

At a meeting on October 27, 1988, officers were elected. They are: Neil E. Botwinoff, president; Gina S. Peca, vice president; Mitchell J. Lustig, secretary; and William C. Altreuter, treasurer. ■



*Alumni at the Washington reception, upper and lower left.*

*Rochester officers Deborah A. Kirby '86, Raymond C. Stilwell '84 and Catherine A. Maxwell '85, upper right. Gary Muldoon '76, bottom right.*

## Rochester Alumni Hold Second Annual Luncheon, Elect Officers

Rochester alumni held their annual Spring luncheon at Stouffer's Rochester Plaza Hotel in April. Speakers included Dean David B. Filvaroff, who discussed current issues at the Law School, followed by Professor Philip Halpern, who gave a talk on legal ethics. (His remarks appear on page 21 of the Forum). Catherine A. Maxwell was in charge of arrangements for the event, and Gary Muldoon served as master of ceremonies.

Chapter bylaws were adopted and new officers were elected for 1988-89. They are: Deborah A. Kirby, chairperson; Raymond C. Stilwell, vice chairperson; and Catherine A. Maxwell, secretary. ■

## Washington, D.C. Alumni Meet at the Willard

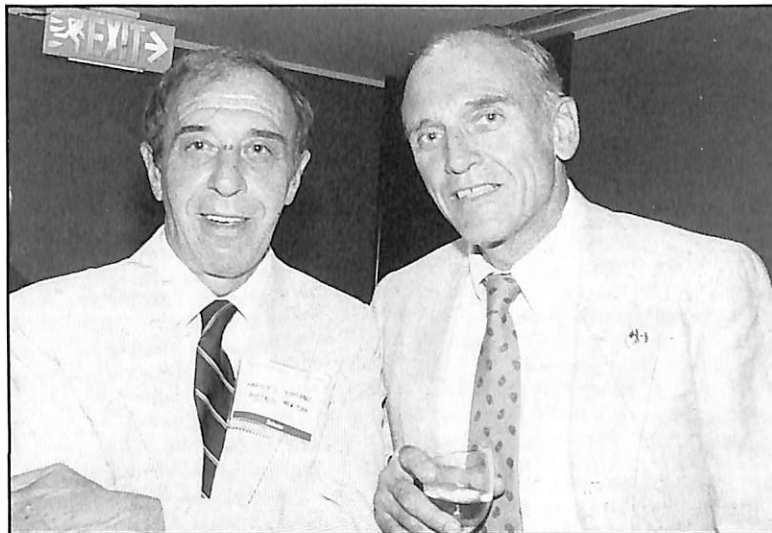
The Willard Inter-Continental Hotel on Pennsylvania Avenue was the elegant setting when 80 Law School alumni/ae, spouses and friends gathered on

April 26, 1988 to meet Dean David B. Filvaroff at a Centennial Alumni Reception.

After greeting former classmates, enjoying cocktails and munching on hors d'oeuvres, the group listened to a short talk by the dean, then participated in a lively question and answer session about what's doing at the Law School.

The dean announced plans to organize a Washington chapter of the Alumni Association, and a list was compiled of those who would be willing to serve on a Steering Committee. Also in attendance from the Law School were Associate Dean Alan S. Carrel and Alumni Director Ilene Fleischmann. ■





## U.B. Law Goes to ABA meeting

*L'Hotel in Toronto was the setting when UB Law School hosted a cocktail reception in August in conjunction with the 1988 American Bar Association meeting. Approximately 75 alumni, spouses and friends attended.*

*Upper photo, Harold J. Boreanaz '56 (left) and Robert C. Schaus '53. Center photo, Dean David B. Filvaroff of UB Law School (left) and Dean Haywood Burns of CUNY Law School at Queens College. Lower photo, Hon. John T. Curtin '49 (left) and Mr. and Mrs. Joseph G. Kihl '55.*



# Our Thanks to 1987-88 Donors

The University at Buffalo Law School once again reached its annual goal by raising over \$184,000 from 1,820 donors during the 1987-88 campaign.

"Since the Law School now depends heavily upon private contributions for essentials, we especially appreciate the enthusiastic response of our alumni," said Associate Dean Alan S. Carrel, who heads the school's development program.

Carrel credits the success of the drive to a growing awareness among alumni of the Law School's quality and strengths. He also cites their understanding of the increased dependence of public universities upon private funding.

Another key element was the record number of alumni and student volunteers who gave so generously of their time to the Phonathon. "These volunteers explained the school's needs to the largest group of alumni ever contacted by telephone," Carrel said.

The following list reflects donations made from July 1, 1987 to June 30, 1988. Although great care has been taken to obtain complete accuracy, we realize that omissions or errors may occur. We extend our apologies to anyone whom we have slighted and request that you bring any mistakes to the attention of the Law School so we can correct our records. Corrections will be printed in the next issue of the *Forum*. Please call Alan Carrel's office at (716) 636-2054 or write to him at 316 John Lord O'Brian Hall, Buffalo, N.Y. 14260.

## DEAN'S CLUB

Michael A. Amico '58  
Dr. Robert W. Baker  
Varkis Baligian '62  
Terence E. Barnes '82  
Barrister Information Systems Corporation  
Dianne G. Bennett '75  
F. Stephen Berg  
Don Bergevin '75  
Leslie W. Berkovits '81  
Markus Ian Berkovits '81  
Richard G. Birmingham '57  
Thomas E. Black '79  
Hilary P. Bradford '53  
Edmund S. Brown '21  
Kevin J. Brown '85  
John F. Canale '47  
Margaret H. Cohen  
Anthony J. Colucci, Jr. '58  
Terrence M. Connors '71  
Sam J. D'Agostino '71  
Marvin T. Dubin '62  
Herald P. Fahringer, Jr. '56  
Neil R. Farmelo '53  
Mark G. Farrell '72  
David B. Filvaroff  
Robert P. Fine '68  
Peter J. Fiorella, Jr. '63  
Paul Allen Foley '56  
Ellen K. Forrest '76  
Kenneth B. Forrest '76  
Robert L. Freudenheim  
Paul L. Friedman '68  
John T. Frizzell '55  
John J. Fromen, Sr. '66  
Hon. Irving Fudeman '50  
GAR Associates, Inc.  
William H. Gardner '59  
Stuart A. Gellman '61  
Willard A. Genrich '38  
Carol White Gibson '74  
George M. Gibson '58  
Alvin M. Glick '52  
Richard F. Griffin '57  
Lowell Grosse '54  
Gurney, Becker & Bourne, Inc.  
Ralph L. Halpern '53  
Thomas E. Headrick  
Michele O. Heffernan '74  
William S. Hein & Co., Inc.  
Andrew C. Hilton, Jr. '55  
Sheldon Hurwitz '53  
Edwin F. Jaeckle '15  
Erma Jaeckle '36  
Kavinoky & Cook, P.C.  
William D. Kiley '35  
Wells E. Knibloe '50  
M. Robert Koren '44  
Hon. Jacqueline Koshian '59  
Lathan, Lumsden,  
McCormick & Co.

Law School Class of 1961  
Law School Class of 1962  
Allan M. Lewis '69  
Gerald S. Lippes '64  
Richard J. Lippes '69  
Richard Lipsitz '43  
Herman P. Loonsk '49  
M & T Bank  
Samuel D. Magavern '29  
Philip H. Magner, Jr. '49  
David J. Mahoney, Jr. '52  
Kevin P. Maloney '54  
Marine Midland Bank, N.A.  
George M. Martin '49  
Lawrence J. Mattar '59  
Howard L. Meyer, II '56  
Samuel R. Miserendino '54  
Albert R. Mugel '41  
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# Volunteers Lead Annual Fund Drive for 1988-89

**F**or the first time in its 101-year history, volunteers — including both alumni and non-alumni — are heading the University at Buffalo Law School's Annual Fund Drive for 1988-89.

In announcing the initial membership of what will be a continuing board of directors, UB Law Dean David B. Filvaroff said, "There is not a law school in the United States today, private or public, of even minimum quality, which is not crucially dependent on support from its alumni and friends. Current and expected cuts in state funding only increase dramatically our dependence on our donors.

"Fortunately, I have found in Buffalo a community spirit, warmth and commitment to the Law School, and a great willingness to help," he said.

Peter J. Fiorella, Jr., senior partner in the Buffalo law firm of Fiorella, Aman & Vance, and a prominent matrimonial attorney, has been named chairman of the new lay cabinet. A 1963 graduate of the UB Law School, he has served as a board member for the National Conference of Christians and Jews, the Erie County Mental Health Association and the UB Law School Alumni Association.

"While the Law School is state assisted, it is not entirely state supported," said Fiorella in announcing a campaign goal of \$225,000. The Annual Fund Drive provides private gift support for programs for which state funds are either limited or unavailable. These include the moot court programs, trial technique, legal clinic programs, student financial aid, student publications, student and faculty research projects, student organizations and activities, and law library acquisitions, to name a few.

At a recent organizational dinner, Fiorella announced that the theme for the

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*"There is not a law school  
in the United States today  
— private or public, of  
even minimum quality —  
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of its alumni and friends."*

— Dean Filvaroff

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fund drive is "Renaissance 1988-89." The drive will run through June, 1989. "As we begin our second century, we are committed to setting new standards of support for our law school," Fiorella said.

Other attorneys named to the Annual Fund Board are: Joseph G. Makowski (Computer Task Group, Inc.) president of the UB Law Alumni Association; Richard E. Heath (Hodgson, Russ, Andrews, Woods & Goodyear), John H. Stenger (Jaekle, Fleischmann & Mugel), Neil A. Goldberg (Saperston & Day), and Paul J. Cambria (Lipsitz, Green, Fahringer, Roll, Schuller & James), co-chairs for special gifts.

Also, Joseph V. Sedita (Moot & Sprague) and Marvin T. Dubin (Dubin, Sommerstein & Hunter), co-chairs for the

Jacob D. Hyman Club; Douglas S. Coppola (Saperston & Day) and Diane Bennett (Hodgson, Russ, Andrews, Woods & Goodyear), co-chairs for the Dean's Club; Linda J. Nenni (Falk & Siemer) and Arthur F. Dobson (Parrino, Cooper, Butler & Dobson), co-chairs for the Carlos Alden Club.

John Curran (Albrecht, Maguire, Hefern & Gregg) and Edward D. Peace (Hodgson, Russ, Andrews, Woods & Goodyear), co-chairs for the Century Club; William F. Savino (Damon & Morey) and John J. Aman (Fiorella, Vance & Aman), co-chairs for the annual phonathon;

And John F. Donovan (Phillips, Lytle, Hitchcock, Blaine & Huber) and Paul A. Vance (Fiorella, Aman & Vance), non-alumni; and David E. Parker (Record Theatre), president-elect of the Law Alumni Association, and at-large representative.

## Dean's Dinners Held

The Law School has traditionally hosted a series of Dean's Dinners, held at the Rue Franklin West, 341 Franklin St., Buffalo. Each of the three dinners this year was chaired by a volunteer. Robert P. Fine (Hurwitz & Fine) headed the dinner that was held Monday, Oct. 31; Anthony J. Colucci, Jr. was in charge on Monday, Nov. 14; and Sue S. Gardner (Kavinoky and Cook) was chair on Monday, Nov. 21.

The Dean's Dinners enabled Dean Filvaroff to meet personally with alumni and friends to discuss the current status of the Law School and his expectations for the future. Invitations were extended to those who are enrolled in one of the three Law School's special gift categories.

A gift of \$1,000 or more qualifies the donor for membership in the newly established Jacob D. Hyman Club, honoring



*Left to right: Deans Jacob D. Hyman, David B. Filvaroff, Thomas E. Headrick and Wade J. Newhouse.*

former dean "Jack" Hyman. Dean Hyman has devoted more than 40-years to the Law School and continues on the faculty as a popular teacher. A gift of \$500 or more qualifies for membership in the Dean's Club. Names of Hyman Club and Dean's Club members will be prominently displayed on plaques mounted outside the Moot Court room in John Lord O'Brian Hall.

Those who are not currently a member of one of the clubs and who wish to join should contact Alan S. Carrel, Associate Dean, UB Law School, John Lord O'Brian

Hall, Room 316, Buffalo, N.Y. 14260, or call him at (716) 636-2054. ■

## **Seymour L. Schuller Scholarship Fund**

A \$10,000 scholarship fund has been established to honor the memory of Seymour L. Schuller, who died Feb. 25, 1988. Schuller, 66, of Eggertsville, was a founding member and managing partner of the law firm of Lipsitz, Green, Fahringer, Roll, Schuller & James.

A native of Toronto, Schuller was a member of the UB Law School class of 1947 and specialized in business and corporate law.

During World War II, he served as a bomber pilot in the Pacific Theater and maintained his pilot's license after the war. He also maintained an association with the American Civil Liberties Union. A recipient of the United Jewish Appeal's Outstanding Leadership Award, he was a past president and director of the Buffalo Hebrew Social Club and the club's credit union. ■

## Martin A. Feinrider Scholarship Fund

**A** new scholarship fund will memorialize Professor Martin A. Feinrider. A graduate of UB Law School's class of 1978, he was a teacher at Nova Law School in Fort Lauderdale, Florida at the time of his death in 1986.

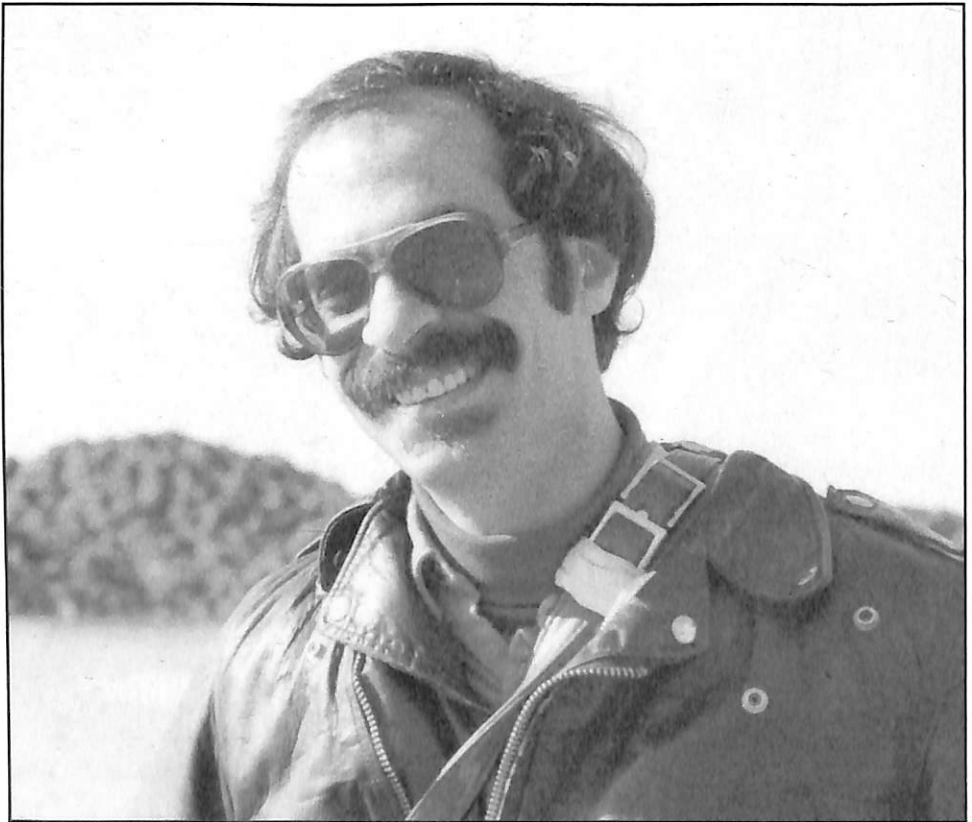
Friends and family members have thus far contributed \$12,000 to UB Law School in Feinrider's name. The annual earnings from this gift — approximately \$1,000 — will be awarded to a needy law student who has demonstrated a strong commitment to human rights and/or disarmament. Contributors include: Richard Ascher '70, Feinrider's college roommate at SUNY Buffalo, and Ascher's wife Barbara; Donald and Morleen Novitt, also close friends from college; Nancy, Feinrider's wife; David, Feinrider's brother; and Seth Sahr '85, who is employed by the firm of Ascher and Novitt in Kew Gardens, New York.

"Until his tragic death, Martin Feinrider was always a passionate voice in the struggle for human rights as demonstrated by his activities with Amnesty International as well as numerous public and private causes that he championed," says Richard Ascher. A sociologist as well as a lawyer, Feinrider utilized both disciplines to fight against social injustice.

A similar \$12,000 scholarship fund has also been set up at Nova Law School, where Feinrider's friends have already donated an additional \$4,000. Says Ascher. "I hope others at UB Law School will also contribute to this fund to further its goals." ■

## Fellowships Funded by Faculty, Students

**A** new fellowship program funded by law students, faculty and graduates is the hoped-for source of a significant increase in the number of law students working in public interest jobs next sum-



*Professor Martin A. Feinrider '78*

mer — and for many summers to come — in the Western New York area. Leaders of this drive, called Student and Faculty Initiated Internships (SFII), ask UB law students, faculty members and graduates to contribute one day's worth of their income to the cause.

Sponsored by the Buffalo Public Interest Law Program (BPILP), a student group that encourages careers in public practice, the fundraising effort has so far netted \$7,067 in pledges, according to Karen Comstock, a third year law student who heads the drive. Of that amount, \$5,547 came from student pledges, she reports.

"The money raised through this pledge drive allows BPILP to begin the 1988-89 school year with enough funds to finance four internships next summer. We hope that our usual fundraising activities (happy hours, T-shirt sales, and grant writing) will double this amount so that we may offer as many as eight to ten summer internships for law students in the summer of 1989," Comstock wrote in a letter to students

and faculty.

"This will be a happy supplement to our own Law School funded fellowships which began this summer," said Dean David B. Filvaroff. "We know from the experience of other schools that individual contributions can fund a sizable program.

"I'm especially pleased that our students have taken the initiative to develop their own program in addition to that funded directly by the Law School," said the Dean.

"It reflects a real commitment to the highest values of the profession — the responsibility of all lawyers to serve the community, especially its less fortunate members — and to stand in firm defense of our fundamental rights and freedoms," he added.

"It is a warm and fitting reminder of what we try to convey to our students."

Those wishing to make a contribution should send a check to Comstock c/o the Buffalo Public Interest Law Program, John Lord O'Brien Hall, North Campus, Buffalo, New York 14260. ■



# Professor John A. Spanogle at the UN

By Ilene Fleischmann

Since 1982, UB Law Professor John "Andy" Spanogle has played a prominent role in the increasingly important arena of international commerce. As chief of the U.S. delegation to two major committees of the United Nations Commission on International Trade Law (UNCITRAL), he has been serving as the top U.S. negotiator at meetings in New York and Vienna. He and his counterparts from the United States and 36 other countries, representing diverse legal systems, have been developing a base of world-wide laws that will vastly simplify and expedite global business transactions.

Two other members of the U.S. delegation assist him in this work: Ernest Petrakis, general counsel of the Reserve Bank of New York, and Professor Carl Felsenfeld of Fordham University Law School. Appointed by the U.S. State Department, Spanogle serves without compensation.

A faculty member here since 1974, he is renowned for having the kind of special expertise in comparative commercial law that is needed to head our negotiating team in UNCITRAL talks. A graduate of Princeton University and the University of Chicago School of Law, he teaches courses in banking law, commercial law, international commercial law and consumer law at UB.

At UNCITRAL meetings, where the process requires the building of consensus, Spanogle is well suited to his role. "Consensus doesn't mean unanimity, but you have to be pretty darn close to it," he says. Blessed with an easy-going personality and ready sense of humor, he quickly puts others at ease and is adept at the art of persuasion.

Spanogle predicts progressively more international legislation.

"It's not going to be formulated by a super-government, but by people of goodwill and a fair amount of technical

*"We're going to get  
progressively more  
international legislation..."*

*It's not going to be  
formulated by any super-  
government, but by people  
of goodwill and expertise  
sitting down and working  
out compromises."*

—Professor John "Andy" Spanogle

expertise sitting down around a massive table and working out compromises that everybody thinks acceptable."

It is UNCITRAL's mission — and Spanogle's fondest hope — that a set of treaties creating a uniform international commercial law code soon will become available and effective. It should then be as easy to do business with a company in Korea as one in New Jersey.

According to Spanogle, such a set of international treaties should contain equivalents of the most important articles

found in the American Uniform Commercial Code regarding the regulation of sales transactions, payment methods and financing. Thanks to his efforts and the contributions of other volunteers, the work that was begun by UNCITRAL in the late 1960s is almost completed.

The most important step for a uniform international commercial law code, Spanogle believes, came when UNCITRAL developed a treaty providing uniform treatment of international sales transactions, and that treaty became effective international law. Called the Convention on Contracts for the International Sale of Goods, the treaty has been ratified by the United States and 14 other nations to date and became effective as U.S. law on January 1, 1988.

The likelihood that this agreement will become universally accepted and used is "fairly good . . . Major nations — China, France, America and Italy — have joined and there is a bandwagon effect at this point," he believes.

While most people are not familiar with the provisions of the pact, Spanogle says, "It's a lot easier to understand than trying to figure out the sales laws of China, France or Italy, where the words may — or may not — mean what you think they mean.

"In cases where each party's attorney insists on his or her own law, the convention provides a viable alternative. At the very least, you would know where to get hold of it and can get some reference works on it."

From 1981 to 1987, Spanogle worked on another crucial component — a proposed treaty on payment and credit transactions — as our country's Chief Delegate to UNCITRAL's Working Group on International Negotiable Instruments. Their proposal, known as the Convention on International Bills of Exchange and International Promissory Notes, is now before

the United Nations General Assembly.

If adopted by the General Assembly and ratified by 10 nations, a uniform world-wide law for new types of international negotiable instruments would be created. "It may take another six years, though, before it is signed and ratified," he says.

A third important set of agreements that will provide a secured financing component are also currently being developed — a Convention on Lease Financing and a Convention on International Factoring.

Spanogle is optimistic. "Everything seems to be on track," he says. "I think we have a once in a lifetime opportunity to get this process going in a major way." But he is quick to point out there is still much work to be done.

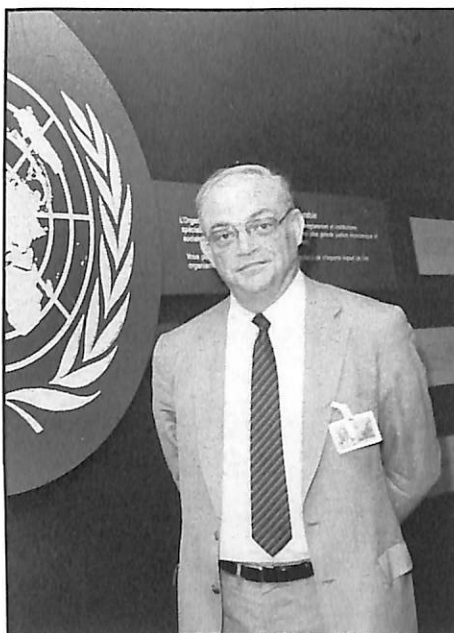
His current project, for instance, will fill a gap in the Convention on International Bills of Exchange and Promissory Notes. That pact doesn't cover the vast bulk of payment transactions: it excludes checks and does not cover electronic funds transfers, "a different kind of animal, legally," Spanogle explains.

"Right now, more money is transferred internationally by electronics than by any paper based mechanism, whether you're talking about currency in shopping bags or suitcases, checks, or credit card slips. That is because securities markets are now world-wide, integrated and international. To settle up those transactions, you need to transfer massive amounts of funds."

How much? A mind-boggling \$5 billion dollars per day.

To remedy this situation, Spanogle now serves as Chief of the United States' Delegation to UNCITRAL's Working Group on Electronics Fund Transfers (EFT). In this capacity, he represented the United States in a series of meetings last November and July that were held at the United Nations to develop model rules on electronics fund transfers. Spanogle expects the project to last three years. At present, the United States is in the process of drafting proposed legislation in this area.

"The exciting thing about this is that there is no national law anywhere to cover



*Professor John "Andy" Spanogle*

even domestic electronic funds transfers from customer to customer. What we're doing is cutting edge stuff," he says.

"One of the reasons we call it model rules is that we hope domestic law will be modeled on the product that we put out. Whether that will happen or not I don't know. But almost every country in the world has some committee trying to create domestic law. If those domestic laws can at least look similar in structure, so they can work together, then we will have been helpful."

He loves the work because "You're learning how civil law lawyers approach dealing with problems of the development of law. To me, the legislative process is terribly fascinating and I see this as the international analog of what we think of as the legislative process."

He once ran into a problem with a delegate from the Soviet Union, but the disagreement stemmed from an interpreter's error and had nothing to do with politics. Simultaneous translations into six languages occasionally cause some confusion. Unlike the General Assembly, however, UNCITRAL is not dominated by politics, says Spanogle.

"UNCITRAL works the way the UN

was supposed to work, probably because most of us are technical experts," he says.

"I wouldn't know a dialectical argument if I tripped over it, and that's true of most everybody else. I'm just as likely to agree with the delegate from China as from France or Switzerland."

In the Fall, Spanogle began a one year leave of absence to occupy the Lobingier Chair of International Law at George Washington University in Washington, D.C.

"I think professors get paid to do more than just teach classes," he says. "You expect research to be done, but there is a public service component as well." ■

## **Avery, Binder Share Magavern Award**

**T**he William J. Magavern Fellowships for 1988-89 have been awarded to two faculty members: Associate Professor Dianne Avery and Professor Guyora Binder. Both will share in a \$10,000 award from a fund established by Samuel D. Magavern in honor of his father, to support special research projects at the Law School.

Avery, who teaches family law and labor law, will be engaged in a study of conflicts between private property rights and rights of collective action under federal and state labor laws. "The inquiry is an important one and we are pleased that she has undertaken it," said Dean Filvaroff.

Binder will pursue two areas of scholarship and writing with the support he will be receiving as a Magavern fellow. First, he expects to complete his book manuscript which explores delicate but critically important issues surrounding the theoretical foundations for an historically sensitive interpretation of the Civil War amendments to our Constitution.

His second project is a comparative study of President Lincoln's constitutional thought, one of a series of essays that Binder is writing. According to Dean Filvaroff, "Binder's analytical scholarship has made significant and useful contributions to the development of legal theory." ■

# Introducing Muhammad I. Kenyatta

A search for justice for black Americans has led Muhammad I. Kenyatta, 44, through a circuitous route to UB Law School, where he has accepted his first position as a law teacher. "I think of law as a calling to do service — a vocation similar to the clergy," says Kenyatta, who is a Baptist minister as well as a scholar and teacher.

Kenyatta's academic credentials, picked up mostly later in life, include study at the Harvard Divinity School, a Bachelor of Arts degree from Williams College and a Juris Doctor degree from Harvard Law School. He also brings to law students a rich and varied background of writing and teaching coupled with real world involvement: he has been active in the civil rights movement and has participated in both community service and elective politics. His work at UB will center on issues of constitutional law, federalism, legal theory, and race and the law.

From 1966 to 1969 he was an editor for the *Mississippi Freedom Democratic Party* which fought racial barriers to participation in Southern politics, a community organizer for Headstart and a coordinator of the Southern Cooperative Development program and the Child Development Group in Mississippi. Subsequently, he was a member of the Black Economic Development Conference in Philadelphia and a director of community programs for the New England Region of the American Friends Service Committee.

Over the years, Kenyatta says his goal has remained the same: "to help create a society where love is more possible."

Kenyatta grew up in Chester, Pennsylvania, where he became a preacher at the age of 14. Then called Donald Brooks Jackson, "The Boy Wonder Preacher," he sometimes spoke at ladies' teas on "The Negro in America: The Unfinished Dream." During the mid-1960s, when reports of sit-ins,



marches, Bull Connor and James Meredith's attempt to integrate the University of Mississippi appeared daily in the media, he left Williams College to go to Mississippi with his wife Mary. He enrolled in Tougaloo College and committed himself to helping his people in the struggle for equality.

It was then that he renamed himself for religious and black leaders. His first name honors Muhammad, the prophet of Islam, and Elijah Muhammad, the American black religious leader; his middle initial is for Isaiah, the Hebrew prophet; and his last name pays tribute to Jomo Kenyatta, the first president of Kenya and one of Africa's foremost crusaders for independence.

In 1973 Kenyatta took a year off to attend the Harvard Divinity School as a Merrill Fellow. In 1977, he was theologian-in-

residence at the College of Wooster in Ohio, then taught urban studies as a visiting professor at Temple University in Philadelphia. From 1976 to 1978, he was also national director for the Black Theology Project, National Council of Churches of Christ.

During the period, from 1972 to 1981, he served as vice-chairperson of the Pan African Skills Project, an international educational program involving the United States, Tanzania and Ghana. He was a permanent representative to the United Nations' NGO Section (non-governmental organizations) from 1972 to 1978. Kenyatta was director of a community out-reach program at Haverford College from 1978 to 1980, where he also lectured in the humanities. Between classes at Harvard Law, he taught political science courses at Williams College. At Harvard, Kenyatta was president of the Black Law Students Association.

Kenyatta's diverse experience will doubtless enrich both his teaching and scholarship at UB. He will teach a course on Race, Racism and The Law and on Constitutional Law and Democratic Theory, both of which will address the tensions between justice and democracy and between majority rule and minority rights and participation. Even before coming to UB, Kenyatta had written on the mission and limits of constitutional law.

One of his main teaching goals at UB, Kenyatta says, will be to focus more attention on the late Dr. Martin Luther King, Jr. as a legal philosopher. "Probably because King was not a lawyer, he is not generally studied in law school," says Kenyatta. "But I think he was one of the most important English speaking legal philosophers of the 20th century. His concern was what is law and why should we obey it."

Kenyatta intends to bring an ethical dimension to the classroom. As he puts it, "I'm very interested in the intersection of spirituality and the law." ■



## Jaekle Retires After 72 Years of Practice

**E**dwin F. Jaekle, UB Law School class of 1915 and one of Buffalo's most influential citizens, has retired from the practice of law and moved to Rochester, Minn. Before his retirement, Jaekle, 94, was Buffalo's oldest working lawyer. He concentrated on corporation, insurance, utility and estate matters.

He and his wife Erma plan to spend winters at their home in St. Petersburg, Fla. He will, however, continue to serve as a "counsel" to Jaekle, Fleischmann & Muegel, the Buffalo law firm he had headed.

"I thought it was about time to retire," he says.

Jaekle, once New York State's Republican Chairman, was a key political adviser to the late Gov. Thomas E. Dewey. He was a driving force in the creation of the Buffalo and Erie County Public Library system and Roswell Park Memorial Institute, and played a leading role when the formerly private University of Buffalo merged with the State University of New York.

He was the Law School's Honorary Chairman for its 100th birthday celebration last year. The Law School's Jaekle Center for State and Local Government is named for him, as is the Jaekle Award. ■

## Stock Cop Gary Kaminsky '85 Cracks Major Case

**G**ary S. Kaminsky, 27, cracked Wall Street's second-largest insider trading scandal in June. The Williamsville, N.Y. native, who works as a lawyer for the Securities and Exchange Commission's (SEC) Enforcement Division in Washington, D.C., graduated from UB Law School in 1985.

Kaminsky's detective work uncovered suspicious trading that led to charges filed by the SEC alleging that Stephen Wang, a junior analyst at Morgan Stanley & Co., sold confidential information to Fred C. Lee, a Taiwanese national, who made \$19

million in profits on advance notice of upcoming deals. The alleged volume of illegal profits would be the biggest since Ivan Boesky's \$80 million in illicit earnings.

Kaminsky attended Williamsville South High School and was graduated from the University of North Carolina at Chapel Hill. While at UB, he got his first taste of securities law at the Buffalo firm of Lippes, Kaminsky, Silverstein, Porter, Mathias, and Wexler, where his father, Allan (UB Law, class of 1955), is a partner.

After law school, Kaminsky spent six months trying to get a job with the SEC. He began in a low-level office job obtained through a temporary employment agency before he finally landed his position as an SEC attorney in January, 1986.

This was the second insider-trading operation Kaminsky helped investigate. He says he was glad his work led to such a coup in the SEC's war against insider trading.

"It's gratifying," he said. "I just hope people get the message." ■

## Mark O'Connor '68 Defends "Ivan the Terrible" in Israel

**F**or six years, Buffalo lawyer Mark J. O'Connor, class of 1968, defended Ivan "John" Demjanjuk, who was eventually found guilty in Israel of being the notorious death camp guard recalled by Treblinka survivors as Ivan the Terrible. Convicted by three Israeli judges, Demjanjuk's death sentence is now on appeal.

Demjanjuk was a Ukrainian immigrant who came to the United States in 1952 and went to work on the Ford assembly-line in Cleveland. He was stripped of his U.S. citizenship and extradited to Israel in 1984 after a Nazi ID card bearing his photo and name was given by the Soviet government to the U.S. Department of Justice and eventually passed on to the Israeli government.

The identification of Demjanjuk by those claiming he was Ivan the Terrible became the center of O'Connor's ultimately unsuccessful defense, which he undertook

from 1981 to 1987 both here and in Israel. O'Connor's defense strategy: that Demjanjuk was a victim of mistaken identity and of forged evidence from the Soviet Union, which considered him a traitor.

Before the trial ended, Demjanjuk's family fired O'Connor as chief defense counsel, replacing him with his Israeli assistant Yoram Sheftel. O'Connor says the Israeli court was always open to the introduction of defense evidence, and gave Demjanjuk a fair trial, but he feels that Sheftel mismanaged the case. He says he never would have defended Demjanjuk if he'd ever doubted his innocence.

O'Connor is now at work on a book with Robin Moore, author of *The French Connection*. ■

## Dillon Elected Erie County District Attorney

**K**evin M. Dillon, class of 1976, has been elected Erie County district attorney. A former criminal law associate in the district attorney's office, he is following in the footsteps of his father, Hon. Michael F. Dillon '51, presiding justice of the Appellate Division, New York State Supreme Court, Fourth Judicial Department, who is a former Erie County district attorney.

Gov. Cuomo recently appointed Dillon, a Democrat, interim Erie County district attorney to succeed Richard J. Arcara, a Republican, who resigned to become a U.S. District Court Judge. In November, Dillon was elected for the balance of Arcara's term, which extends through 1989. It will be filled for a full four-year term in November, 1989.

The Erie County district attorney's office, the largest in upstate New York, handles about 50,000 cases a year and employs 85 attorneys. In appointing him as interim district attorney, Cuomo said Dillon is "a widely respected, highly capable attorney of solid integrity. He has the intelligence and background to carry out the duties of district attorney." ■

## CLASS ACTION

### 1930s

**Winifred C. Stanley '33**, of Kenmore, N.Y., has retired from the practice of law. In 1942, she was elected to Congress as a Representative-at-Large from New York, serving from 1943 to 1945. The position of Representative-at-Large has since been eliminated.

She was recently invited by the National Women's Political Caucus — New York Chapter to prepare a statement concerning her term in Congress and the role of women in politics. The statement was read at a reception in March in New York City, when the NWPC celebrated Women's History Month by honoring the 12 women who have represented New York State in Congress.

**William D. Kiley '35** of Cazenovia, N.Y. was given the 50-Year Lawyer Award by the New York State Bar Association. The award is presented to a lawyer who has completed 50 or more years of active practice "with honor, distinction and service to both profession and community."

Kiley, who has been in public service and private practice since 1936, was one of the founders of Vernon Downs and was the founding partner of Madison County's largest law firm, Kiley, Feldmann, Whalen, Devine & Patane. Before forming the firm, he served as Madison County attorney and as special assistant attorney general, Albany investigation.

The U.S. Supreme Court has asked retired **Judge Matthew J. Jasen '39** to help it sort out the nearly 200-year-old boundary dispute between the states of Illinois and Kentucky. He has been named special master by the high court to take testimony and issue a report on his findings. Chief Justice William Rehnquist asked Jasen to intervene in the dispute, which involves the Ohio River. Now senior counsel to Moot & Sprague, Judge Jasen retired as senior associate judge of the New York State Court of Appeals in 1985.

### 1940s

**Dr. Oscar Smukler '49** was elected president of the Buffalo School Board in

July. A retired Erie Community College administrator, he has been on the board for 11 years, but it is his first time at the helm.

### 1950s

**Chief City Judge Wilbur Trammell '53** was honored by the Buffalo Board of Education's Department of School Integration when he was awarded a 1988 Quality Integrated Education Award. The award recognizes Buffalo citizens for outstanding contributions in the promotion of intercultural relations in the areas of law, education, government, medicine, journalism, community service and civil rights.

**Hon. John J. Callahan '54** has been elected vice president of the Niagara Frontier Council of the Navy League.

**Anthony M. Leone '54** of Williams-ville, N.Y. is president of the Rotary Club of Williamsville and helped to form the State University at Buffalo Rotaract Club.

**James T. McFarland '54** is currently serving a six-year term as a member of the New York State Public Service Commission. He was appointed in June, 1987, by Gov. Cuomo. He retired from the New York State Senate in 1978 after serving 13 years in the state legislature. He returned to private practice and served thereafter as a member of the New York State Civil Service Commission by appointment of Gov. Hugh S. Carey.

**John T. Frizzell '55** was presented with the Lawyer of the Year Award at the 101st Annual Dinner of the Bar Association of Erie County in June.

**Edward P. Gueth, Jr. '55** is Daemen College's chairman of the Board of Trustees. Gueth, an attorney in private practice, joined the board in 1967. He resides in East Amherst, N.Y.

**Erie County Surrogate Joseph S. Mattina '56** has been named to the Hall of Honor at the National Judicial College at the University of Nevada in Reno. The Hall

of Honor was formed to recognize outstanding dedication to the college. A Republican, Mattina was elected in 1981 to a 10-year term as surrogate judge. He had previously served as a State Supreme Court justice.

**James N. Carlo '58** of Magavern & Magavern in Buffalo, has been elected president of the Niagara Frontier Council of the Navy League. He is a former director of the Erie County Bar Assn.

**Anthony J. Colucci, Jr. '58**, senior managing partner in the Buffalo law firm of Block and Colucci, P.C., was appointed by Gov. Cuomo to serve on the New York State Project Finance Agency, which administers a revolving fund of over \$300,000,000 relating to residential and commercial projects. Colucci also serves on the corporate board of the NYS Mortgage Loan Enforcement & Administrative Corp., a subsidiary of the NYS Urban Development Corp.

**David C. Fielding '58** has been named a partner at Saperston & Day in Buffalo. He is a member of the firm's corporate department.

**John H. Stenger '58**, a partner in the Buffalo law firm of Jaeckle, Fleischmann and Mugel, has been named chairman of the American College of Trial Lawyers' committee on teaching trial advocacy. Stenger was inducted in 1978 as a fellow of the American College, a national honorary organization of leading trial lawyers, and has been a faculty member at trial advocacy programs throughout the country.

**Thomas R. Beecher, Jr. '59** has been elected vice chairman of the Board of Trustees of Buffalo General Hospital. He is a partner in the law firm of Albrecht, Maguire, Heffern, & Gregg.

### 1960s

**Peter E. Klaasesz '61** has been named a partner in the firm of Brown & Kelly, which has been newly merged with

Harrington & Klaasesz. He resides in Lancaster, N.Y.

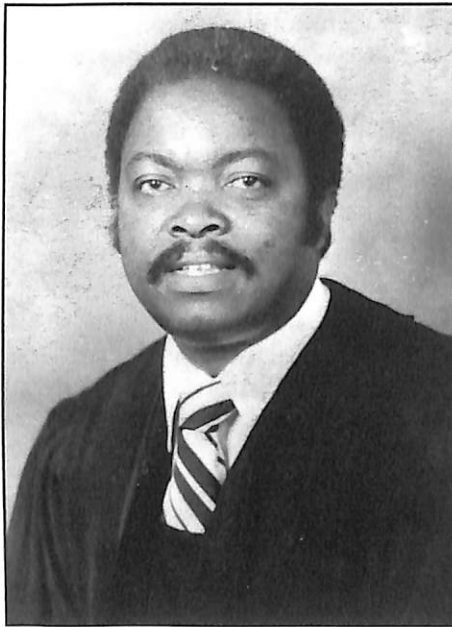
**Lawrence Chesler '62** was promoted to vice president of Computer Consoles, Inc. in Rochester, N.Y. He is also assistant secretary and associate corporate counsel of the company.

**David A. Siegel '64** has been elected to the Board of Governors of the American Academy of Matrimonial Lawyers, consisting of attorneys who are leading practitioners of family law. Siegel was also appointed to the Executive Committee of the New York State Family Law Committee. He is a member of the Rosenthal, Siegel, Muenkel, Wolf, and Curvin law firm in Buffalo.

**Vincent J. Sorrentino '64**, of Hamburg, N.Y., has been elected chairman of the Erie County Democratic Committee. He succeeds the retiring **Joseph F. Crangle '59**. Sorrentino, who is Hamburg town attorney, has been Hamburg's Democratic chairman since 1982 and chairman for two years of the Democratic Town Chairmen's Association.

**Hon. M. Dolores Denman '65**, associate justice of the Appellate Division of State Supreme Court, received the 1988 Achievement Award of Buffalo Branch, American Association of University Women. She was cited for her legal and professional, civic and educational organizations. The award has been given annually since 1940 to a woman whose achievements lend dignity to the position of women in the community.

**Ronald L. Jaros '66**, a member of the law firm of Lipsitz, Green, Fahringer, Roll, Schuller & James, has been elected chairman of the Labor and Employment Law Section of the New York State Bar Association. He is a past president of The Advocates Club of Western New York and has taught labor law at Canisius College.



*Hon. Samuel L. Green '67*

**Harold J. Brand, Jr. '67**, executive assistant to State Supreme Court Justice James B. Kane, administrative judge of the 8th Judicial District, has been elected president of the Erie County Bar Foundation. The Bar Foundation, founded in 1957, provides assistance to troubled members of the legal community and promotes programs to increase public understanding of the legal system.

**Frank J. Clark III '67** has been named first deputy district attorney by Kevin M. Dillon, Erie County's district attorney. An assistant district attorney from 1972 through 1979, Clark has been a federal prosecutor since 1983. Between his government posts, he was an attorney with the Buffalo law firm of Moot and Sprague.

**State Supreme Court Justice Samuel L. Green '67**, a member of the Appellate Division of State Supreme Court, Fourth Department, in Rochester, is on a 16-member panel studying the treatment of minorities in the state's courts.

Considered a candidate for a future gubernatorial appointment to the Court of Appeals in Albany, Green is Western New York's highest-ranking black judge outside the New York City area to be elevated to the

state's appeals court.

Called the Judicial Commission on Minorities, the panel has already held a number of public hearings across the state. The commission is under a two-year mandate from Chief State Judge Sol Wachtler to review the treatment of minorities in the state court system in terms of employment opportunity and their standing as litigants, witnesses, jurors, lawyers and judges. They must also tell Wachtler whether minorities are provided equal justice and adequate legal representation in the court system.

Judge Green was one of 16 persons to be honored by the Buffalo Board of Education's Department of School Integration with a 1988 Quality Integrated Education Award. The award recognizes Buffalo citizens for outstanding contributions in the promotion of intercultural relations.

He was also recently elected to the Board of Trustees of the Albright Knox Art Gallery.

**Gary A. Gerace '69** has been promoted to managing attorney for the Eastern Hills office of Hyatt Legal Services in Williamsville, N.Y. He previously was a staff attorney in the firm's Southgate office.

**Bohdan M. Harasym '69** has been elected president of the 400-member Lawyers Club of Buffalo, succeeding F. James Kane, Jr.

**Allan M. Lewis '69** was honored as the Israel Bonds Organization's Man of the Year in June. A senior partner in Lewis & Lewis P.C., his specialty is civil trial work for and against insurance carriers. He is a director of the Jewish Federation and has served as treasurer of the Western New York Trial Lawyers Assn. A Williamsville resident, he and his wife Dana and their four children live in Williamsville, N.Y.

**Nicholas J. Sargent '69**, partner in the law firm of Sargent, Repka & Covert, has been appointed to serve on the March of Dimes Executive Committee. The Executive Committee helps guide and lead the



March of Dimes chapter in fund raising and program services in the fight against birth defects.

**Robert B. Sommerstein '69**, partner in the law firm of Dubin & Sommerstein, is president of Jewish Family Service in Buffalo.

### 1970s

**Thomas A. Palmer '71** has been named a partner in the Buffalo law firm of Offermann, Mahoney, Cassano, Pigott & Greco.

**Richard R. Stokely '71** of Alexandria, Va. has made a career in the U.S. Army. While Chief of Personnel for Management, he was recently selected for promotion to Lieutenant Colonel.

**James A. Ullman '71** of Paradise Valley, Az. has become a member in the firm of Heron, Burchette, Ruckert & Rothwell located in Phoenix, Az.

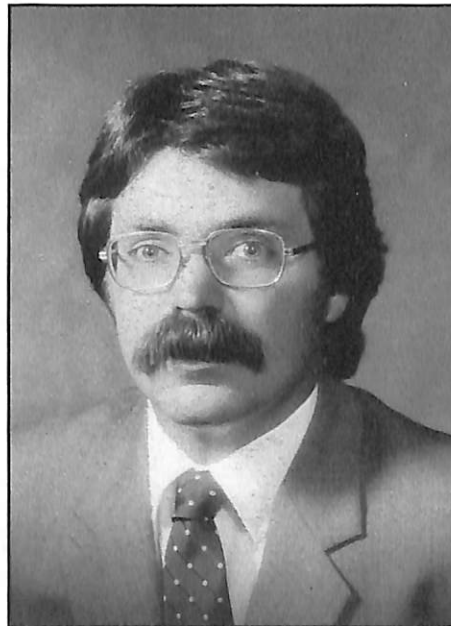
**Ralph W. Cox '72** was appointed general counsel for Blue Cross and Blue Shield in the Rochester, N.Y. area. He lives in Fairport, N.Y.

**Mark G. Farrell '72** was the 1988 recipient of the Justice Michael A. Musmanno Citation of Honor Award. He is senior managing partner in the law offices of Farrel & Quackenbush and is the past president of the General Alumni Association at SUNY Buffalo.

**James W. Gresens '73** has been named a partner in the Buffalo firm of Saperston & Day, where he primarily practices construction law. He also teaches New York Practice in the Law School.

**James J. Loughren '73**, of Albuquerque, N.M., has merged his sole practice of real estate, domestic relations and litigation with the firm of Eaves, Darling & Porter.

**Frederick W. Steinberg '73** was elected president, Western Pennsylvania Chapter, of the American Corporate Council Asso-



**Daniel R. McDonald '75**

ciation. He is vice president and general counsel for Titanium Metals Corporation of America, in Pittsburgh, Pa.

**Beth L. Hoffman '74** has been appointed chairperson of the Automobile Insurance Committee and reappointed as vice chairperson of the Products Liability Committee of the International Assn. of Defense Council (IADC). The purpose of the IADC is to promote superior skills and efficiency in defense litigation. She is a trial attorney and partner with the Buffalo law firm of Bouvier, O'Connor, Martin & Messina.

**Hon. Alexander W. Hunter '74**, Judge of the Criminal Court of the City of New York, has been appointed an adjunct professor of law at Pace University School of Law in White Plains, N.Y.

**Mark J. Mahoney '74** has joined Joseph D. Birmingham, Jr. and Donald T. Cook. Their law practice, Birmingham, Cook & Mahoney, P.C. is located in the Statler Towers, Buffalo, N.Y.

**Richard M. Tobe '74** has been named commissioner of the Department of Environment and Planning for Erie County. Tobe previously served as counsel and chief

of staff since 1975 to Assemblyman William B. Hoyt.

**Ian C. DeWaal '75** was appointed to the position of assistant attorney general for the Commonwealth of Massachusetts, in the Insurance Division of the Public Protection Bureau. He lives in Allston, Mass.

**Donna L. Fossum '75**, a Washington, D.C. lawyer, was appointed American Bar Association co-chairman of the National Conference of Lawyers and Collection Agencies. The conference is a joint endeavor with the Commercial Law League of America, the American Collectors Association and the National Association of Credit Management. Fossum is treasurer and a board member of the Women's Bar Foundation of the District of Columbia and a member of the Advisory Board of the American Association of University Women Legal Advocacy Fund.

**Hon. Julio M. Fuentes '75**, of Newark, N.J. has been appointed by Gov. Thomas Kean to the New Jersey Superior Court.

**Pamela D. Heilman '75**, a partner in the firm of Hodgson, Russ, Andrews, Woods & Goodyear, is president of the Vassar Club of Western New York. She has been named "Manager of the Year" by the Center for Women in Management at D'Youville College. Heilman specializes in the areas of mergers and acquisitions, professional corporations and international business transactions.

**Daniel R. McDonald '75**, a former vice president and deputy general counsel at Goldome Bank, has formed a partnership for the general practice of law with **Debra LoBello Burhans '82**. The new firm, located in Batavia, N.Y., is called Hughes, Burhans & McDonald. Both previously practiced with Jaekle, Fleischmann & Mugel, McDonald as a partner and Burhans as a resident associate in the firm's Batavia office.

**Anne M. Williams '75** is now living in the Cote d'Ivoire in Africa.

**Harold S. Boxer '76** of Commonwealth Land Title Insurance Co. in New York City, has been appointed to the committee on problems affecting title and transfer of the Real Property Law Section of the N.Y. State Bar Assn. and also the legislative committee of the N.Y. State Land Title Assn.

While a Visiting Professor at the University of Montana Law School last term, **Brenda C. Desmond '76** taught legal writing and served as supervising attorney of the Indian Law Clinic. She has worked for Legal Services in Alaska and Montana, served as tribal court adviser for Montana's Crow Tribal Court, and worked for the Montana Legislative Council as staff attorney for the House Judiciary Committee and the Legislative Committee on Indian Affairs.

An avid reader, hiker and cross-country skier, Professor Desmond and her husband Henry (Pete) Kappelman have a young son Ben, born in December, 1986.

**Barbara Ryniker Evans '76** of New Orleans, is senior partner in a new firm called Partee Waldrip, Mott & Evans.

**Sue S. Gardner '76**, a partner in the law firm of Kavinoky & Cook, was one of three to receive the National Conference of Christians and Jews 36th Annual Citation Award at the organization's 1988 banquet in May. Also cited were her husband and law partner Arnold Gardner, and The Very Rev. James M. Demske, president of Canisius College.

Her community activities include: past chairperson of the City of Buffalo Landmark and Preservation Board, member of the Women's Financial Planning Committee for the Foundation for Jewish Philanthropies, past president of the Camp Lakeland Assn., and past chairperson of the American Red Cross.

**Susan M. Piver '76** has been appointed vice president for legal services of

Children's Hospital in Buffalo, N.Y. She was formerly director of risk management and legal counsel for the hospital, and she established the self-insurance and risk management programs at Children's. A former Medicaid fraud prosecutor for the Erie County Dept. of Health, Mrs. Piver also served as director of Medicaid Utilization Review for the Erie County Dept. of Social Services.

**Dr. Barry Weinstein '76** was elected president of the Williamsville Board of Education. He was a school trustee in Williamsville, N.Y. for six years.

**Thomas G. Collins '77** has become a partner in the law firm of Chamberlain, D'Amanda, Oppenheimer & Greenfield in Rochester, N.Y. Collins, who has been associated with the firm since 1980, heads the appellate section of the litigation department. He serves as appellate counsel to other firms and lawyers as well.

**William C. Hultman '77**, an attorney with Empire of America Savings Bank in Buffalo, was elected administrative vice president and manager of funding wholesale liabilities in the bank's treasury services area. Hultman previously was a partner at the Moot & Sprague law firm in Buffalo.

Buffalo Comptroller Robert E. Whelan appointed **Ralph C. Megna '77** the city's director of real estate. Megna was the assistant director of real estate since 1980. Megna is a member of the Erie County Bar Association, the Minority Bar Association and the State Bar Association and is treasurer of the Baily-Amherst Business Association.

**Dennis R. McCoy '77** has been named a partner in the Rochester office of Saperston & Day, where he practices litigation and insurance defense law.

**Marjorie Creola Mix '77** is a Family Court hearing examiner, where she sets levels of financial support payments in

disputed matrimonial and child-support cases. Mix has specialized in matrimonial and family law. She was awarded a Ph.D. in education in 1971 at UB, and is a former assistant dean at the UB Law School. She is also a former special assistant to the state commissioner of education.

**Nancy Mulloy '77** is associate director of the Pennsylvania Bar Institute of Harrisburg, Pa., a continuing legal education organization that is the education arm of the Pennsylvania Bar Association. She was elected secretary of the Association of Continuing Legal Education Administrators (ACLEA) in August.

**Mark C. Rodgers '77** has been named a partner in the firm of Saperston & Day. He specializes in litigation and insurance defense law.

**Edward M. Sharkey '77** of Olean, N.Y. has been named a partner in the Olean law firm of Dwyer & Dwyer, now called Dwyer, Dwyer & Sharkey.

**Bruce F. Zeffel '77** has been named a partner in the firm of Saperston & Day. He practices corporate and general litigation law.

**John C. Herbert '78** has been elected a partner in the law firm of Harter, Secrest & Emery, a Rochester firm with offices in Albany, N.Y. and Naples, Fla. With the firm since 1983, he practices primarily in areas related to personal injury, property damage, product liability, malpractice and insurance litigation. He lives in Irondequoit, N.Y. with his wife and two children.

**Dennis C. Vacco '78**, appointed interim U.S. attorney for the Western District of New York, is one of the youngest chief prosecutors in the U.S. Justice Department. One of only 94 U.S. attorneys in the country, he will lead the federal government's fight against organized crime, pornography and drug rings in 17 counties. He will hold the appointment for 120 days, while the U.S. Senate considers his

nomination for a full four-year term. Formerly an Erie County prosecutor for almost 10 years, he was also chief of the Grand Jury Bureau in the district attorney's office for the past six years. He is a graduate of Colgate University as well as UB Law School.

**Abe Warmbrand '78** has become a partner in the New York City firm of Davis & Hoffman. He resides in Edison, N.J.

**Thomas W. Bender '79** of Kenmore, New York has been made a partner in the law firm of Hurwitz & Fine of Buffalo and Niagara Falls. He specializes in personal injury, commercial disputes and insurance defense work. Before he joined the firm in 1983, he was an Erie County assistant district attorney.

**Thomas Black '79** was presented the Notre Dame Club of Buffalo and Western New York's Award of the Year in May. Formerly of West Seneca, N.Y., he now lives in Dallas, Texas.

**Dan D. Kohane '79**, a partner in the firm of Hurwitz and Fine in Buffalo, is teaching insurance law at the Law School in conjunction with his law partner **Sheldon Hurwitz '53**.

**Joseph G. Makowski '79**, corporate counsel, Computer Task Group, Inc., has been selected as a member of the first class of Leadership Buffalo. Sponsored by the Greater Buffalo Chamber of Commerce in conjunction with the Junior League of Buffalo, it is a program designed to identify, train and motivate existing and emerging area leaders. Makowski currently serves as president of the UB Law Alumni Association, among other activities.

**James E. Morris '79** has formed a law firm devoted to the practice of civil and criminal litigation. The new firm is called Morris, Cantor, Ziller and Barnes. Morris specializes in medical malpractice and insurance litigation. He resides in Amherst, N.Y.



*Larry Kerman '80*

**James Paris '79**, Navy general counsel in San Diego, Ca., was promoted to the rank of Lieutenant Commander in the Naval Reserves.

**Alan M. Wishnoff '79** has been named a partner in the firm of Phillips, Lytle, Hitchcock, Blaine & Huber in Buffalo. He concentrates on commercial and product liability litigation.

#### *1980s*

**Caroline Hassett Buerk '80** has been elected secretary-treasurer of Daemen College's Board of Trustees. She is a partner with Phillips, Lytle, Hitchcock, Blaine and Huber where she specializes in estate planning and administration.

**Sheldon L. Cohen '80** is an assistant vice-president in the tax department of Metropolitan Life. He has responsibility for providing technical and policy analysis and recommendations on current and proposed life insurance tax legislation, as well as developing legislative, regulatory and administrative tax initiatives for Metropolitan. He expects to receive his L.L.M. degree from NYU School of Law in 1990.

**Stuart P. Gelberg '80** of Garden City, N.Y. has formed a partnership with Gary C. Fischhoff. The new firm is called Fischhoff & Gelberg.

**Larry Kerman '80** has been named a partner in the law firm of Cohen, Swados, Wright, Hanifin, Bradford and Brett, where he specializes in civil litigation. Prior to joining the firm in 1982, he served as a confidential law assistant to the justices of the Appellate Division, Fourth Department in Rochester.

**Roger J. Moran '80** is pursuing a career as a foreign service officer within the Department of State. He is currently political officer at the U.S. Embassy in Yaounde, Cameroon where he resides with his wife and three young daughters.

**Michael Anthony Rossi '80** recently merged his law practice with Richard O. Robinson and formed a partnership under the firm name of Robinson & Rossi. The firm specializes in personal injury litigation, matrimonial and family law, and maintains offices in Buffalo, North Tonawanda and Grand Island, N.Y. Rossi served as president of the Bar Association of the Tonawandas in 1987-88.

**Paul Morrison-Taylor '80** has been named a partner at Phillips, Lytle, Hitchcock, Blaine & Huber in Buffalo, where he focuses primarily on product liability, real property tax and condemnation law.

**Cathy Kaman Ryan '80** and **James F. Ryan '80** of Pittsford, N.Y. are happy to announce the birth of Kevin Connor Ryan, ("K.C."), their second child. She is an associate at Nixon, Hargrave, Devans & Doyle in Rochester, N.Y. and he is a partner in the firm of Kamen, Berlove, Marafioti, Jacobstein & Goldman, also in Rochester.

**Linda Knell Bumbalo '81** is Associate Legislative Counsel for the Mortgage Bankers Association of America in Washington, D.C.



**Joy A. Kendrick '81**, attorney and business consultant, Law Office of Joy A. Kendrick and J.A. Kendrick Business Enterprises, has been selected as a member of the first class of Leadership Buffalo.

**Russell M. Leisner '81** has opened a law office in Forest Hills, N.Y.

**David Smith '81** has joined the firm of Gwertzman, Pfeffer, Toker & Lefkowitz in New York City, where he is an associate specializing in insurance litigation.

**Jo W. Faber '82**, an Erie County assistant district attorney, has been appointed to the Judicial Commission on Justice for Children by Chief Judge Sol Wachtler. She joins 28 other officials from around the state on the panel. This marks the first time in state history that leaders of major governmental and private institutions concerned with the treatment of children have joined as a permanent body.

**Michael A. Fracassi '82** heads a Washington, D.C.-based law practice, where he specializes in United States and international taxation, United States and international business planning, and corporate law. Fracassi also holds M.B.A. and L.L.M. degrees in addition to his J.D.

**Eric Gould '82** is a senior associate in the Houston, Texas law firm of Ross, Banks, May, Cron & Cavin.

**Janine Narol Huber '82** has been named a partner in the Buffalo law firm of Albrecht, Maguire, Heffern & Gregg.

**Joel R. Kurtzhals '82** has become a partner in the East Aurora, N.Y. law firm of Difilippo, Bennett & Daumen, where he specializes in civil and criminal litigation.

**Richard P. Weisbeck '82** has been named a partner in the law firm of Lipsitz, Green, Fahringer, Roll, Schuller & James. He served as a staff attorney at the Legal Aid Bureau of Buffalo, Inc. before joining



**Carol D. Collard '83**

the firm in 1983. He specializes in civil litigation and appeals.

**Carol D. Collard '83** has become a partner in the Buffalo firm of Falk & Siemer.

**William E. Coplon '83** has been named a partner in the Buffalo law firm of Cohen & Lombardo. He specializes in the areas of litigation, appellate practice and environmental law.

**Helene M. Hamlin '83** is a partner in Scholl & Hamlin in Utica, N.Y.

**Kenneth R. Hiller '83** has joined the law firm of Jeffrey Freedman Attorneys at Law as an associate.

**Robert J. Lane, Jr. '83** has been named a partner in the Buffalo law firm of Hodgson, Russ, Andrews, Woods & Goodyear, where he practices general corporate litigation.

**Judith Holender Loeb '83** is an associate with the Rochester law firm of Chamberlain, D'Amanda, Oppenheimer & Greenfield, where she concentrates on

health care and tax law within the firm's corporate department. Loeb lives in Brighton, N.Y. with her husband Robert.

**Lori T. Marlan '83** of Greenwich, Ct., is an investment banker. She has joined Greenwich Capital Markets, where she specializes in mortgage-backed securities and mergers and acquisitions.

**Carolyn Messana-Morrow '83** of Block & Colucci, P.C. was elected to the Board of Directors of Horizon Human Services, Inc., a health-related not-for-profit organization that offers outpatient counseling in the mental health and drug addiction fields.

**Earl R. Pfeffer '83** is now an associate with the firm of Cohen, Weiss and Simon in New York City.

**Daniel Rausher '83** of Brooklyn, N.Y., left the Brooklyn district attorney's office in December. He is now an associate for William J. Steinbrecher, P.C. in Mineola, N.Y. He specializes in personal injury/negligence work, including medical malpractice, product liability and criminal defense.

**Gerald J. Whalen '83** has been named a partner in the Buffalo law firm of Offermann, Mahoney, Cassano, Pigott & Greco.

**Benjamin M. Zuffranieri, Jr. '83** is now a partner in the Buffalo-based law firm of Hodgson, Russ, Andrews, Woods & Goodyear.

**Joan E. Casilio '84** is an associate in the law firm of Ange & Gordon in Buffalo, N.Y., where she specializes in matrimonial law. She recently co-authored an article entitled, "Valuation of Professional Licenses and Degrees: American Case Law After O'Brien," which was published by Capital Money and Family Law, a Canadian publication.

**George W. Collins, Jr. '84** of Amherst, N.Y., a lawyer with Koren, Bertell and Hoey, has been named to the Board of Directors of the Arts Council in Buffalo and Erie County.

**Susan E. Gray '84** practices on a part-time basis for Kushner, Kushner & Roscetti in Niagara Falls, N.Y. "due to the addition of twin girls to our family — plus the oldest, Elizabeth."

**Timothy Payne '84** is an editor with VERACORP, Inc., the electronic subsidiary of The Lawyers Co-operative Publishing Co. and Bancroft-Whitney Co. He resides in Rochester with his wife Christina.

**Gayle L. Eagan '85**, an attorney with the Buffalo law firm of Jaeckle, Fleischmann and Mugel, has been elected president of the Anorexia Bulimia Buffalo Association. The group sponsors educational programs and support groups for people with eating disorders and their families.

**Richard E. Gottlieb '85** is now an associate in the firm of Kirkland & Ellis in Washington, D.C. He and his wife Leslie, who graduated from UB Business School '85, recently bought a house on Capitol Hill.

**Lorri J. Kolbert-Klein '85** of Boca Raton, Fla. is affiliated with the firm of Possess & Heimberg, P.C., also in Boca Raton.

**Ronna D. Runion Martel '85** practices as a legal representative before the Seneca Nation and is also busy raising her three children. Martell lives in Perrysburg, N.Y.

**William J. (Jud) Weiksnar '85** lives in Brookline, Mass., where he is in his second year of formation to become a Franciscan priest. He recently completed his Ph.D. in Policy Studies at UB. His dissertation was, "The Relationship of Judicial Attitude,



**Matthew J. Fusco '86**

Style and Behavior to Housing Court Effectiveness."

**Barbara White '85**, formerly Assistant Professor of Economics at UB Law School, is now Associate Professor of Law at the University of Houston Law Center. She recently published an article in the Iowa Law Review entitled "Coase and the Courts: Economics for the Common Man." The article evaluates the economic coherency of one of the basic tenets of the "Law and Economics" school of thought, which advocates that legal decision-making should be based on economic efficiency considerations whenever possible.

**Matthew J. Fusco '86** has become associated with the law firm of Chamberlain, D'Amanda, Oppenheimer & Greenfield, based in Rochester, N.Y. He works in the firm's litigation and labor departments.

**H. Todd Bullard '87** is an associate in litigation at the Rochester law firm of Harris, Beach, Wilcox, Rubin and Levey.

## Leo J. Hagerty 1893-1988

**L**eo J. Hagerty, class of 1922, died in April after a short illness. He was 95-years-old. A retired State Supreme Court justice and former Erie County district attorney, he participated in many of the area's most celebrated legal cases.

Born in Buffalo, Hagerty attended Lafayette High School, Canisius High School and the State University at Buffalo before enlisting in the U.S. Army during World War I. Commissioned as a second Lieutenant, he served in the 48th Infantry and reached the rank of captain by the time he was honorably discharged.

Returning to Buffalo, Hagerty worked for The Buffalo News as a police reporter at night while attending UB Law School during the day. After graduating from law school, his ability attracted the attention of the district attorney. In 1925, he was appointed as an assistant prosecutor.

In 1935, he was elected justice of the peace in the Town of Tonawanda. From 1937 to 1943, he was elected as a Republican to three terms as Erie County district attorney.

Elected to the State Supreme Court in 1947, Hagerty was selected by former Gov. Thomas E. Dewey to preside over a five-year grand jury investigation of political corruption and gambling in Saratoga County. In 1957, Hagerty retired and moved to Florida. ■

## MARRIAGES

**Donna Marie Alaimo '88** and **Richard Hayes Ferro**.

**Lawrence R. Basel, Jr. '87** and **Cynthia Ann Loretto**, August 27, 1988.

**Robert Battista '83** and **Cynthia Marie Suarez**, September 17, 1988.

**Kenneth Howard Blumberg '86** and **Tara Lynda Singer**, July 3, 1988.

**Peter K. Bradley '85** and **Linda Jean Retzer**, September 24, 1988.

**Anne Frances Cannon '86** and **Timothy George Rack**, February 13, 1988.

**Sandra K. Cassidy '85** and **Gary J. Styka**, April 23, 1988.

**Kevin J. Casutto '83** and **Diane Dean '87**, October 11, 1987. They are now living in Rochester, N.Y.

**Marjorie Ann Cline**, a second year law student, and **Brian Scott Bialy**, August 27, 1988.

**Carol Ann Flaherty '87** and **David James Murray '86**, April 23, 1988. They are now living in East Aurora, N.Y.

**David Patrick Flynn '87** and **Bethann Mary Roehling**.

**Julie R. Freudenheim '88** and **Spencer G. Feldman '87**, May 28, 1988. They are living in New York City.

**Douglas Wayne Killip '87** and **Patricia Anne Kennedy**.

**Elizabeth T. Marshall '81** and **Lennart Lindner**, May 29, 1988.

**Gregg Simson Maxwell**, a third-year law student, and **Sharon Constance Dwyer**, Aug. 12, 1988.

**Anne McGuirk '88** and **Denis Reagan Hurley, Jr. '88**, June 4, 1988. They are living in Albany, N.Y.

**R. Peter Morrow III '74** and **Suzanne Clare Keefe**, June 18, 1988.

**James J. Navagh '85** and **Kim Marie Mikkelsen**, July 16, 1988. They are living

in Buffalo, N.Y.

**James A. Quinn '88** and **Mary M. Healy**, August 20, 1988.

**Steven E. Rovner '83** and **Deborah Ann Rivkin**, May 29, 1988.

**Kenneth Albert Schoetz '84** and **Kathryn M. Leo**, August 27, 1988.

**Charles E. Telford '86** and **Carrie P. Morrison**, October 8, 1988.

**Karen Debra Tunis '82** and **David J. W. Manny**.

**Gerald Thomas Walsh '86** and **Susan E. Barone**, August 6, 1988.

**John J. Weinholtz '87** and **Deanna L. Dey**, August 27, 1988.

**Martin J. Zuffrannieri '87** and **Holly Scherlein**, July 9, 1988.

## In Memoriam

**Irene M. Tatu '15**  
May 24, 1988  
Buffalo, New York

**Hon. Leo J. Hagerty '22**  
April 3, 1988  
Williamsville, New York

**R. Norman Kirchgraber '27**  
Jan. 17, 1988  
Orchard Park, New York

**Col. Roswell P. Rosengren '27**  
Sept. 13, 1988  
Bradenton, Florida

**Hon. Sebastian J. Bellomo '29**  
May 31, 1988  
Buffalo, New York

**Leonard J. Brizdle '29**  
Dec. 7, 1987  
Williamsville, New York

**Augustine A. Mosco '32**  
June 28, 1988  
Williamsville, New York

**Hyman C. Davidoff '34**  
March 24, 1988  
Delray Beach, Florida

**Everett M. Barlow '35**  
Nov. 20, 1987  
Snyder, New York

**Gordon M. Brown '36**  
Jan. 13, 1988  
Warsaw, New York

**Samuel C. Adornetto '38**  
Feb. 28, 1988  
Williamsville, New York

**Zygmund Ziolo '38**  
Dec. 23, 1987  
Buffalo, New York

**Charles W. Thompson, Jr. '40**  
March 12, 1988  
Kenmore, New York

**Arthur V. Killian '47**  
July 27, 1988  
Niagara Falls, New York

**Seymour L. Schuller '47**  
Feb. 25, 1988  
Egbertsville, New York

**Hon. William H. Dillon '51**  
Jan. 31, 1988  
Lackawanna, New York

**John F. Macauley '51**  
May 13, 1988  
Buffalo, New York

**Hon. Joseph P. McNamara '51**  
June 18, 1988  
Buffalo, New York

**Laurence E. Burke '53**  
Aug. 22, 1988  
Buffalo, New York

**Daniel J. Callanan '58**  
June 6, 1988  
Orchard Park, New York

**James E. Adel '66**  
May 31, 1988  
Town of Tonawanda, New York



## Let Us Hear From You!

Please complete, clip and return the attached cards to help keep our records current, to report placement opportunities and to make your annual association dues payment.

## Save These Dates!

**Thursday, January 19, 1989**

Alumni Reception in conjunction with the New York State Bar Association meeting in New York City. Parker Meriden Hotel, 118 West 57th St., 6 p.m. to 8 p.m.

**Saturday, March 11, 1989**

Annual Alumni Convocation and Jaeckle Award Luncheon. Center for Tomorrow, Amherst Campus, 9 a.m. to 2 p.m.

**Friday, May 19, 1989**

Annual Meeting and Dinner.  
Buffalo Hilton Hotel, 5:30 p.m.

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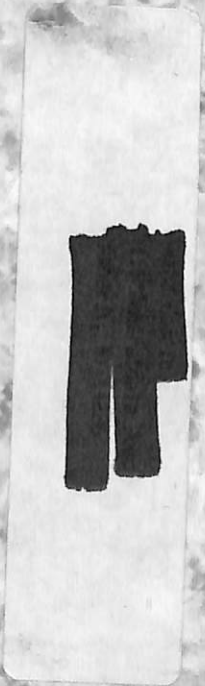
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